

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development

7.2 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 The development has been assessed against Schedule 2, Part 1, Classes B and C.

7.4 Under Class B the dormers meet the following tests :

(a) The property has not been granted permission to use the dwellinghouse as a dwellinghouse only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(c) No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(d) The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres.

(e) The proposal does not include:

(i) the construction or provision of a veranda, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

(e) The application site is not on article 2(3) land

7.5 B.2 Development is permitted by Class B subject to the following conditions -

(a) The materials to be used are to match those used on the original dwellinghouse- this would comprise white horizontal cladding to match that on the existing front gable.

(b) The enlargement must be constructed so that -

(i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension -

(aa) The eaves of the original roof are maintained or reinstated; and

(bb) The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

- 7.6 (C) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be -
- (i) obscure-glazed, and
 - (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed - **this also applies to development under Class C**

- 7.7 Class C is relevant for the proposed side rooflight, which under Class C1 meets the following tests:

- (a) The property has not been granted permission to use the dwellinghouse as a dwellinghouse only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) The rooflights are stated as not protruding more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) No part of the alteration would be higher than the highest part of the original roof;
- (d) (i) there is no installation, alteration or replacement of a chimney, flue or soil and vent pipe
- (ii) there would be no installation, alteration or replacement of solar photovoltaics or solar thermal equipment;

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/20/00237

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate relating to proposed roof extension and dormer windows. as described in the written particulars, plans and other documents submitted with your application received on 13 March 2020.

SECOND SCHEDULE:

This certificate relates to land at 18 St Thomas Avenue, Hayling Island, PO11 0EX as shown edged red on the submitted Location Plan received 13 March 2020.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.