

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

68 Hart Plain Avenue, Waterlooville, PO8 8RX

Application for Certificate of Lawfulness relating to proposed insertion of dormer within the existing roof slope of western elevation.

4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015.

Not required

Not required for a Certificate of Lawful Proposed Use or Development.

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) Whether the development would require planning permission

- 7.2 The proposal has been assessed against the 'permitted development' allowances in the Town and Country Planning (General Permitted Development) Order 2015.

- 7.3 Therefore Under Class B the addition of the proposed dormer windows would meet the following tests:

- (a) The dwellinghouse is an original dwelling, not granted by a change 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 dormer 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
 - (f) the application site is not on article 2(3) land
- 7.4 Class B also contains conditions at B2 and the plans submitted demonstrate that the conditions in B2 would be met i.e. matching materials, edge not less than 0.2m from the eaves, not beyond outside face of any external wall, side windows must be obscure glazed and non-opening unless above 1.7m high from internal floor level.

8 Conclusion

- 8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the addition of the proposed dormer to the side elevation is considered to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 and accordingly the Certificate of Lawful Development can be issued.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT** for application APP/20/00621 subject to the following conditions

Wording for decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 23 July 2020 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan received 23 July 2020 would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed development falls within permitted development allowances as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to proposed insertion of dormer within the existing roof slope of western elevation, as described in the written particulars, plans and other documents submitted with your application received on 23 July 2020.

SECOND SCHEDULE:

This certificate relates to land at 68 Hart Plain Avenue, Waterlooville, PO8 8RX as shown edged red on the submitted Location Plan received 23 July 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.