

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

No Comment.

Councillor Narinder Bains - Cowplain

No Comment.

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:

NB The application is for a Certificate of Lawfulness in respect of proposed works and therefore publicity measures are not required.

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, Class A with regards to the proposed single storey rear extension and front window.

7.4 Under Schedule 2, Part 1, Class A, the proposed development meets the following tests:

Part 1: Development within the curtilage of a dwellinghouse

Class A – enlargement, improvement or other alterations of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse

Development not permitted

A.1 Development is not permitted by Class A if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this schedule (changes of use);

The dwellinghouse has not.

- (b) *As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)*

The proposal would not.

- (c) *The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse*

The proposal would not exceed the highest part of the roof of the existing dwellinghouse.

- (d) *The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*

The proposal would not exceed the height of the eaves of the existing dwellinghouse.

- (a) *The enlarged part of the dwellinghouse would extend beyond a wall which –*

- (i) *Forms the principal elevation of the original dwellinghouse or;*
- (ii) *Fronts a highway and forms a side elevation of the original dwellinghouse;*

The proposal would not extend beyond a wall which forms the principal elevation or fronts a highway and forms a side elevation of the original dwellinghouse.

- (b) *The enlarged part of the dwellinghouse would have a single storey and*

- (i) *Extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse*
- (ii) *Exceed 4 metres in height*

The proposal does not extend more than 4 metres beyond the rear wall of the original dwellinghouse nor exceed 4 metres in height.

- (i) *The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*

The proposal would lie within 2 metres of the boundary of the curtilage of the dwellinghouse however the height of the eaves does not exceed 3 metres.

- (k) *It would consist of or include –*

- (i) *The construction or provision of a verandah, balcony or raised platform.*
- (ii) *The installation, alteration or replacement of a microwave antenna,*
- (iii) *The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
- (iv) *An alteration to any part of the roof of the dwellinghouse*

The proposal does not include any of the above.

A.2 Dwellinghouse on article 2(3) land

The proposal is not on article 2(3) land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions –

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- (b) Any upper-floor window located in 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; and*

Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse

The materials to be used in the proposed rear extension are to be similar in appearance to the existing dwellinghouse. There would be no upper first floor window with regards to the single storey rear extension.

7.5 The development has also been assessed against Schedule 2, Part 1, Class B with regards to the proposed loft conversion.

7.6 Under Schedule 2, Part 1, Class B, the proposed development meets the following tests:

Part 1: Development within the curtilage of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

B.1 Development is not permitted by Class B if -

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, P or Q of Part 3 of this Schedule (changes of use).*

This property has not.

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof*

The proposed development does not exceed the height of the highest part of the existing roof.

- (c) Any 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*

The proposed development does not.

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres

The proposed development does not exceed 50 cubic content.

(e) It would consist of or include -

(i) The construction or provision of a verandah, balcony or raised platform, or

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

The proposed development does not consist or include this.

(f) The dwellinghouse is on article 2(3) land.

The proposed development is not on article 2(3) land.

Conditions

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

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials to be used in the loft conversion are to be similar in appearance to the existing dwellinghouse.

(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

The eaves of the original roof are maintained. The edge of the enlargement closest to the eaves are more than 0.2 metres from the eaves. No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

(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;

There are no upper floor side windows to be inserted on the loft conversion.

8 Conclusion

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

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/20/00603 for the following reason:

The proposed development falls within permitted development allowances as set out in Schedule 2, Part 1, Classes A and 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 loft conversion including rear dormer and 2no. Velux windows to front elevation, single story rear extension and addition of first floor window on front elevation. as described in the written particulars, plans and other documents submitted with your application received on 20 July 2020.

SECOND SCHEDULE:

This certificate relates to land at 6 Park Lane, Cowplain, Waterloo, PO8 8AB as shown edged red on the submitted Location Plan received 20 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.