

5 Statutory and Non Statutory Consultations

Councillor Julie Thain-Smith

No Comment.

Councillor Lulu Bowerman

No Comment.

Councillor R Kennett

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: 0

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 B and Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2014 (as amended).

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.

Part 14: Renewable energy

Class A - Installation or alteration etc of solar equipment on domestic premises

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

(a) The solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

The proposed solar panels do not.

(b) It would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding the chimney)

The proposed solar panels does not exceed the highest part of the roof.

(c) In the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway.

The property is not within a conservation area or a World Heritage Site and the solar panels do not front the highway.

(d) The solar PV or solar thermal equipment would be installed on a site designated

as a scheduled monument

The property is not on a site designated as a scheduled monument.

(e) The solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

The property is not within the curtilage of a listed building.

7.4 Under Schedule 2, Part 1, Class B and Part 14 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) meets the following tests:

Part 1: Development within the curtilage of a dwellinghouse

A.1 The enlargement, improvement or other alterations of a dwellinghouse

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

(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.

Part 14: Renewable Energy

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

(a) Solar PV or solar thermal equipment is so far as practicable, sited so as to minimise its effect on the external appearance of the building

(b) Solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

(c) Solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class B & Part 14, Class A 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/20/00070

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to proposed loft conversion to incorporate dormer to the rear and roof lights to the front. Installation of solar panels onto existing roof. as described in the written particulars, plans and other documents submitted with your application received on 29 January 2020.

SECOND SCHEDULE:

This certificate relates to land at Hindon House, 30 Havant Road, Emsworth, PO10 7JE as shown edged red on the submitted Location Plan received 29 January 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.