

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

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

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: Objections: 3. Support: 2.

Comment	Officer Comment
I have no objections to the proposed adaptations to the property. Many of the surrounding properties have been extended and attic altered. There are bungalows that look down into my garden and can see into my conservatory, in any estate you must expect it. The amount of cars will not change due to the extension and there have been no problems since the family moved in.	
We object to the massive extension which has now been changed in terminology to an outbuilding and rear dormer conversion on the upstairs which is totally out of keeping with the surrounding area. In size and shape it is almost identical to previous application which was turned down by the council. (15/2/2019)	The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and as such is being checked against specific criteria of the GPDO only.
We are led to believe that extensions on the back of semi detached bungalows can only be a max of 3meters from the original back wall of	

the original build. This bungalow already has had a rear extension of this size, plus a large conservatory. The new plans are double the size of the existing extension and conservatory combined.

There have been drainage issues in the past, which the council got involved with, as the lay of the land for number 2 is below the natural flow of the land. We are very worried that by building an outbuilding extension of this size will act as a dam, causing gardens to flood even more. We have photographic proof if you want.

We are also not happy with the upstairs windows which are going to be overlooking our rear garden in Shillinglee. We would be ok with either velux window or frosted glass in the dormer, as the plans show that it will be looking directly into our kitchen/diner, And no43 Shillinglee's rear Kitchen/Diner.

We appreciate the rear dormer has now been slightly downsized from the original declined proposal, but will still make the adjoining bungalow very dark. Again needing obscured glass. We also agree with other comments that the Close is already getting blocked with cars and by allowing an extremely large house extension in a very small road, it will cause even more problems.

Because the new design extension is now classed as an outbuilding? Almost identical to original size which was declined. What is to stop the outbuilding being knocked through to make it part of the main house after the building has been signed off and completed? How will it be enforced? Also are outbuildings are suppose to be a meter at least from a neighbouring boundary. These plans show it up against the adjoining bungalows fence. Very unfair and as mentioned before a drainage issue as well as making garden dark.

The CIL does not make reference to the previously refused planning request APP/18/01249. Might this omission have been made with intent to deceive? Nevertheless, very near neighbours comments dated 23rd and 27th April 19 clearly still apply to this new request (for a Certificate of Lawfulness). Maybe Havant Council could explain the significance of this new type of application compared to the original request for planning permission? There have been no major changes to the original refused application. Only one minor change in the size of the rear facing dormer has been made. The original rear ground floor Lounge extension proposal is now a "Summer House" with a 300mm or 1 foot gap to the existing rear extension. The siting of this "Summer House" so close to the existing extension does suggest that the wording and definition of a Summer house to be incorrect here. This new request is clearly not solving the main objections for the original refused planning permission. I therefore would like to register my objection to this proposal.	The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and as such is being checked against specific criteria of the GPDO only.
I am writing in connection with the plans for an outbuilding at 2Capel Ley Waterlooville PO75PU. I feel I have to object to the amended plans as my existing concerns still stand . There would be a considerable loss of light into my property and garden where I have my greenhouse and vegetable patch located right behind where the proposed building will be also the loss of light coming into my property also am worried about the area between my boundary fence and outbuilding and who would maintain it . The present plans are for the proposed building to be built away from there existing property by a very small amount how will you ensure they will not put permanent access between the	The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and as such is being checked against specific criteria of the GPDO only.

two buildings . You said in your previous email it was out of character to the surrounding buildings . The only difference I can see is it has a flat roof and a gap between the two buildings.	
Noting some of the comments that have been made I would like to make reference to the comment regarding the dormer stating that it would overlook the property to the rear. The surrounding area has many different designs of extension and dormers. In some cases these are very unattractive. Obviously when any dormer is created it is always going to overlook a surrounding property. By virtue of the fact there are so many already in existence surely a precedent has been set. Also I do not consider the size of the dormer to be an issue as it will always overlook a property regardless of size. Surrounding properties to the rear of my property are able to overlook my rear garden as they are set much higher than my property but obviously permission was granted previously for extensions etc which I have no issue with. With regards to parking there is never an issue with parking in the road. In fact number 2 is able to have 3 cars parked on the drive and one in the garage. I consider that parking for 4 cars is considerably higher than average and do not consider that building a larger extension will cause a parking issue. As stated with the previous application I have no objections. In fact I consider the previous application design for the rear extension was more attractive and fail to understand why it was not passed.	

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) Whether the development would require planning permission

7.2 The proposed alterations will be considered against Schedule 2, Part 1, Class B, Schedule 2, Part 1 Class A, Schedule 2, Part 1 Class C and Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 .

The permitted development classes are written as to allow for all types of development described within the title of the Class unless the development would fall foul of the listed criteria. Therefore unless it is clear that a proposed development would fail to comply with the relevant criteria contained within a Class, the development should be held to constitute permitted development i.e. the default position is permitted development, not the need for planning permission

7.3 The proposal involves: (i) Loft conversion, fenestration and hip to gable extension (ii) Insertion of two rooflights in the front roof slope (iii) Rear dormer (iv) erection of outbuilding.

7.4 (i) A search of the planning history has not revealed conditions that restrict 'permitted development rights' and therefore the creation of a loft conversion and the hip to gable enlargement are considered to be an acceptable part of the application.

7.5 **Under Schedule 2, Part 1, Class A and Class B:** (i) Loft conversion, fenestration and hip to gable extension.

Under Class A Development is not permitted if:

Condition A.3 (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.

Under Class B Development is not permitted if:

Condition B.2 (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.

The only window proposed along the side elevation at first floor as part of the loft conversion shall be fitted with obscure glass and be non opening unless higher than 1.7m from the proposed finished floor level. Therefore the window proposed within the side elevation complies with the above conditions and can be installed without planning permission.

7.6 **Under Schedule 2, Part 1, Class C:** (ii) Insertion of two rooflights in the front slope

Under Class C Development is not permitted 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)
Not applicable in this instance.

b) the alteration would protrude more than 0.15 metres beyond the plan of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The proposed rooflights do not project any distance from the roof slope.

c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

Not applicable in this instance.

d) it would consist of or include:

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

Not applicable in this instance.

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Not applicable in this instance.

The rooflights proposed within the front roof slope shall be flush with the existing roof line and shall not have any forward projection therefore complying with the above criteria. These works can therefore be installed without planning permission.

7.7 **Under Schedule 2, Part 1, Class B:** (iii) Rear dormer

Development is not permitted if:

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

Not applicable in this instance.

(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 extension does not exceed this height.

(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 development is proposed to the rear of the dwellinghouse and would not front a highway.

(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 extension does not exceed 50 cubic metres.

(e) it would consist of or include:

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

Not applicable in this instance.

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

Not applicable in this instance.

(f) the dwellinghouse is on article 2(3) land. The development is not located on article 2(3) land.

7.8 Class B also contains conditions within B2 that would prevent development being carried out under permitted development if the following criteria is not met:

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.
The materials proposed will be matching.

b) The enlargement must be constructed so that-

- Other than in the case of a hip-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 and reinstated; and-
The eaves line will be maintained and reinstated within the development proposal.

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-

The position of the dormer is no less than 0.2m from the eaves line.

c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-

- obscure-glazed and

- non-opening unless the parts of the window which can be opened are more than 1.7 metre above the floor of the room in which the window is installed.

One window is proposed to be installed within the side elevation however it shall be fitted with obscure glass and be non opening unless higher than 1.7m from the proposed finished floor level and therefore complies with the conditions.

7.9 **Under Schedule 2, Part 1, Class E:** (iv) Erection of outbuilding

Development is not permitted if:

b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) must not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

The development does not exceed this total

c) No part of the structure can be sited on land forward of a wall forming the principal elevation of the original dwellinghouse

The outbuilding is positioned to the rear of the dwellinghouse

d/e) The structure must be single storey with a maximum height of:

(i) 4m in the case of a building with a dual pitched roof (providing it is not within 2m of the boundary)

Not applicable

(ii) 2.5m if it is located within 2m of the boundary of the curtilage of the dwellinghouse

The proposal does not breach this height

(iii) 3m in any other case

Not applicable

f) The height of the eaves must not exceed 2.5m

The proposal does not breach this height.

g) the building, enclosure, pool or container would be situated within the curtilage of a

listed building;
Not applicable

h) The structure cannot include the construction or provision of a veranda, balcony or raised platform (a raised platform is defined as any platform that has a height of more than 0.3m).

Not applicable

i) It relates to a dwelling or a microwave antenna; or
Not applicable

j) the capacity of the container would exceed 3,500 litres
Not applicable

8 Conclusion

8.1 It is considered that there is sufficient evidence It is considered that there is sufficient evidence as detailed in the submitted documentation to prove the proposed development falls within permitted development tolerances as set out in Schedule 2, Part 1, Class A, Class B, Class C and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and accordingly the Certificate of Lawful Development can be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/19/00344 as follows:-

Havant Borough Council, as Local Planning Authority, certifies that on 28th March 2019 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted plan 'Existing and Proposed Front and Rear Elevation with Site Plan Received 01.05.2019' is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

Application for Certificate of Lawfulness relating to proposed loft conversion and hip to gable extension, insertion of two rooflights in the front roof slope, and erection of outbuilding at 2 Capel Ley, Waterlooville, PO7 5PU by virtue of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

First Schedule:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to proposed loft conversion and hip to gable extension, insertion of two rooflights in the front roof slope, and erection of outbuilding as shown on submitted drawings:

'Existing and Proposed Front and Rear Elevation with Site Plan Received 01.05.2019 '
'Existing and Proposed Side Elevation Plan Received 08.05.2019'
'Existing and Proposed Side Elevation Plan Received 01.05.2019'
'Proposed Block Plan Received 01.05.2019

'Existing and Proposed Floor and Loft Plan Received 28.03.2019'

'Calculations of dormers scale Received 28.03.2019'

'Section Plan Received 28.03.2019'

'Additional Section Plan Received 28.03.2019'

Second Schedule:

This certificate relates to 2 Capel Ley. Waterloooville, PO7 5PU, as shown edged red on the submitted 1:1250 'Existing and Proposed Front and Rear Elevation with Site Plan Received 01.05.2019'