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| Site Address:   | 1 Hallett Road, Havant, PO9 2PJ                                                                                                       |               |             |
| Proposal:       | Application for Lawful Development Certificate for a single storey rear extension; and hip to gable loft conversion with rear dormer. |               |             |
| Application No: | APP/19/00098                                                                                                                          | Expiry Date:  | 24/04/2019  |
| Applicant:      | Mr Redfern                                                                                                                            |               |             |
| Agent:          | Mr Potter                                                                                                                             | Case Officer: | Tina Pickup |
|                 | James Potter Associates                                                                                                               |               |             |
| Ward:           | St Faiths                                                                                                                             |               |             |

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

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## **1 Site Description**

The application site relates to a semi detached two storey dwelling on the south side of Hallett Road having a large single storey side extension comprising a garage. It is constructed of red brick and pebble dash at first floor with decorative quoining detail, beneath a hipped concrete tiled roof. To the rear of the application site is a wrap around single storey extension and conservatory, divided from the other half of the semi, No 3, by a parapet wall. No 3 has a similar rear conservatory. The rear garden is flat having a depth of some 16m. The rear (southern) boundary is 1.8m high brick wall and the bungalows beyond are sited quite close to this boundary - having an overall back to back separation of about 25m.

Planning permission was granted in March 2017 for an attached dwelling (APP/17/00035) but this has not been commenced on site yet.

## **2 Planning History**

07/50835/002 - Removal of double garage and rebuild as single garage with extension to form additional bedroom and bathroom., WD,18/12/2007

07/50835/003 - Removal of garage and construction of 1No detached 2 bed dwelling adjoining 1 Hallett Road., WD,18/12/2007

APP/17/00035 - Remove the side extension to the existing dwelling and add a new 3 bedroom dwelling with integral garage (approved 16.03.17). Request to discharge Condition No. 4 (26.04.17), PERM,16/03/2017

## **3 Proposal**

Application for Lawful Development Certificate for a single storey rear extension; and hip to gable loft conversion with rear dormer.

This is a Section 192 application for a Lawful Development Certificate to establish whether the proposed single storey rear extension and loft conversion is classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

## **4 Policy Considerations**

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

## **5     Statutory and Non Statutory Consultations**

Not relevant

## **6     Community Involvement**

Not relevant for a Certificate of Lawful Proposed Development.

## **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 proposal has been assessed against the 'permitted development' allowances in The Town and Country Planning (General Permitted Development) (England) Order 2015 which in this case includes Schedule 2, Part 1, Classes A and B.

7.3 Class A relates to enlargements to the dwellinghouse and is relevant for the proposed single storey extension. The proposal has been considered against the restrictions for development provided by A. 1, the response to which is detailed below:

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

(b) The rear extension does not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)

(c) The height of the rear extension does not exceed the highest part of the roof of the existing dwellinghouse

(d) The height of the eaves of the rear extension does not exceed the height of the eaves of the original dwellinghouse

(e) The rear extension does not extend beyond a wall which forms either the principle elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse

(f) The rear extension does not extend more than 3m from the rear wall of the original dwellinghouse, nor does it exceed 4m in height

(g) This is not relevant for this application as the measurements comply with permitted development limits

(h) This is not relevant for this application as the extension is single storey

(i) The rear extension is within 2m of the boundary but the eaves height does not exceed 3m

(j) This is not relevant as the extension does not extend beyond a wall forming a side elevation

(k) The extension does not include the construction or provision of a veranda, balcony or raised platform; it does not include the installation, alteration or replacement of a microwave antenna; it does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

The proposal does however also include an alteration to the roof of the dwellinghouse and therefore the alterations have also been assessed subject to Class B as below.

7.5 A.2 conditions: This is not relevant as the property is not located on article 2(3) land

7.6 A.3 conditions: It has subsequently been confirmed that the materials to be used for the extension would be brick to match those used on the original dwellinghouse, and there are no windows to be inserted above ground level

7.7 A.4 conditions: A search of the planning history has not revealed any conditions that restrict Permitted Development rights nor is the property subject to an Article 4 direction.

7.8 Class B is relevant for the proposed hip to gable loft conversion and rear dormer, which under Class B1 is detailed below:

(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 (the plans indicate that the hip to gable and dormer would amount to 20 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

7.9 B2 conditions: (a) The materials to be used are to match those used on the original dwellinghouse - tile hanging to match roof tiles

(b) the eaves of the original roof are maintained; and there would be more than 200mm from the eaves to the dormer measured along the roof slope; and no part extends beyond the outside face of any external wall of the original dwelling

(c) there are no side windows

## **8 Conclusion**

8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the proposed hip to gable loft conversion with rear dormer and single storey rear extension are 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 USE** for application APP/19/00098 as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes A and B.

### **Wording for decision notice:**

Havant Borough Council, as Local Planning Authority, certifies that on 27 February 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 Location Plan drawing no. 17087-PL-101 dated 18/04/18 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 single storey rear extension; and hip to gable loft conversion with rear dormer at 1 Hallett Road, Havant is permitted development by virtue of 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 Lawful Development Certificate for proposed single storey rear extension; and hip to gable loft conversion with rear dormer as specified on the following plans:

Block and Location Plan drawing no. 17087-PL-101 dated 18/04/18  
Ground Floor Plans drawing no. 17087-PL-102 dated 18/04/18  
First Floor Plans drawing no. 17087-PL-103 dated 18/04/18  
Second Floor Plans drawing no. 17087-PL-104 dated 18/04/18  
Proposed Roof Plan drawing no. 17087-PL-105 dated 18/04/18  
Existing Elevations drawing no. 17087-PL-106 dated 18/04/18  
Proposed Elevations drawing no. 17087-PL-107 dated 18/04/18  
Email dated 15/04/2019 confirming use of matching materials

### **SECOND SCHEDULE:**

This certificate relates to land at 1 Hallett Road, Havant, PO9 2PJ, as shown edged in red on submitted 1:1250 Location Plan, drawing no. 17087-PL-101 dated 18/04/18

### **OTHER IMPORTANT INFORMATION:**

(1) This Certificate is issued solely for the purpose of Section 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 section 172 of the 1990 Act on 27 February 2019.
- (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.