

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

Number of neighbour notification letters sent: 7

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) Whether the development would require planning permission.

The proposal has been assessed against the 'permitted development' allowances in The Town and Country Planning (General Permitted Development) Order 2015 (As Amended). Also of relevance is the Technical Guidance on Permitted Development Rights for Householders released by the Department for Communities and Local Government in April 2016.

The development has been assessed against Part 1 Class B.

Under Class B.1 the addition of a rear dormer meets the following tests.

- (a) No permission to use the dwellinghouse as a dwellinghouse has been granted by virtue of Classes M, N, P, PA, or Q of Part 3 of this Schedule (changes of use)
- (b) The dormer would not exceed the highest part of the existing roof
- (c) The dormer would not extend beyond the plane of any existing roof slope which forms the principal elevation or 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 dormers do 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

Under B.2 - The plans submitted 07 March 2019 demonstrate that the conditions of relevance in B.2 would be met with respect to materials; and the relationship of the dormer with the eaves of the original roof and external wall of the original dwelling.

A search of the planning history has not revealed conditions that restrict 'permitted development rights' nor is the dwelling part of an Article 4 direction.

It is therefore considered that the addition of a rear dormer would meet the requirements of Part 1 Class B.

8 Conclusion

8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 and therefore this proposal would not require planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/19/00272 subject to the following conditions

Wording for decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 07 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 the submitted Site Location Drawing No. P001 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:

Proposed rear dormer as described in the written particulars, plans and other documents submitted with the application received on 07 March 2019 being:

Location Plan Drawing No. P001;
Existing North and East Elevations Drawing No. P010;
Existing South and West Elevations Drawing No. P011;
Proposed North and East Elevations Drawing No. B110;
Proposed South and West Elevations Drawing No. B111;
Proposed Section Plan Drawing No. P120;
Existing Site Plan Drawing No. P002;
Existing Ground Floor Plan Drawing No. P005;
Existing First Floor Plan Drawing No. P006;
Proposed Ground Floor Plan Drawing No. B105;
Proposed First Floor Plan Drawing No. B106;
Proposed Second Floor Plan Drawing No. B107;
Proposed Roof Plan Drawing No. B108.

SECOND SCHEDULE:

This certificate relates to land at 19 Westbourne Avenue, Emsworth PO10 7QT as shown edged red on the submitted Location Plan Drawing No. P001 received 07 March 2019.

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 07 March 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.