

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

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

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: 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

7.2 The proposal has been assessed against the 'permitted development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed alterations will be considered against Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) 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 the development of a dormer to the rear west facing roof elevation of No 49 and a hip to gable roof enlargement. The development has been assessed against Schedule 2, Part 1, Class B.

7.4 **Under Schedule 2, Part 1, Class B:** The development of the hip to gable on the south side of the bungalow and the erection of a 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). No 49 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 dormer and gable enlargement 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 side and rear of the dwelling 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 40 cubic metres. The proposed dormer and gable enlargement does not exceed 40 cubic metres.

(e) it would consist of or include:

(i) the construction or provision of a veranda, balcony or raised platform. The development does not include the mentioned.

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe. The development does not include the mentioned.

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

7.5 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 using a tile hanging and concrete tile.

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 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. No windows are proposed to be installed within the side elevation.

7.6 A search of the planning history has not revealed conditions that restrict 'permitted development rights'.

8 Conclusion

8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the proposed development of the hip to gable roof enlargement and rear dormer is 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.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/18/01195 as follows:-

Havant Borough Council, as Local Planning Authority, certifies that on 15th November 2018 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 'Block and Location Plan: Drawing No PD-292-01 received 22.11.2018 is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed hip to gable enlargement and rear dormer at 49 Fir Copse Road, Waterloooville, PO7 5HZ by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

First Schedule:

This certificate relates to the following development:

Relating to new gable end to replace existing hipped roof and new dormer to rear roof as shown on submitted drawings:

Block and Location Plan: Drawing No PD-292-01

Proposed Floor and Section Plan: Drawing No PD-292-05

Proposed Elevations Plan: Drawing No PD-292-06 Revision A updated 09.01.2019

Second Schedule:

This certificate relates to 49 Fir Copse Road, Waterloooville, PO7 5HZ , as shown edged red on the submitted Block and Location Plan: Drawing No PD-292-01 received on the 22nd November 2018