
Site Address:	26 Greenfield Crescent, Waterloooville, PO8 9EH		
Proposal:	Certificate of Lawfulness application for proposed single storey rear extension, rear dormer to provide living accommodation in roof space, 4No. Velux windows to front elevation.		
Application No:	APP/17/01039	Expiry Date:	15/11/2017
Applicant:	Mr Bolton		
Agent:	Mr C Rutter	Case Officer:	Bee Crawford
Ward:	Cowplain		

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

1 Site Description

- 1.1 The application site is a modern detached bungalow with a brown tiled pitched roof and elevations of yellow/beige multibrick and cladding. The site is level with open vehicular access leading to a concrete drive and an area of grass, open to the eastern boundary, shrubs to the western boundary and a dwarf wall and shrubs to part of the front boundary. The rear garden is mainly laid to lawn with an area of decking and a shed, with fencing ranging in height from 1.5 metres to 1.8 metres to the eastern and western boundaries and a hedge in excess of 2 metres high to the southern (rear) boundary.
- 1.2 Modern detached bungalows lie to the east, west and opposite and Padnell Wood is to the rear of the site. The area is of medium density with detached and semi-detached bungalows of similar age, different styles and design.

2 Planning History

None relevant to this application.

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed single storey rear extension and loft conversion incorporating a rear dormer and four rooflights to the front roof slope to be classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

4 Legislation

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015.

5 Statutory and Non Statutory Consultations

Arboriculturalist

The extension is under construction, although there appears to be no detriment to the trees in the woodland behind the garden.

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.

7.3 The development for the single storey rear extension has been assessed against Part 1 Class A and the development for the rear dormer and roof lights to the front has been assessed against Part 1 Class B.

7.4 Under Part 1 Class A the extension to the rear of the property does not meet the following test:

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse. The existing eaves height is taken from the original in place at No 26 and therefore the proposed height of the extension exceeds the existing height of the eaves and is not permissible under permitted development rights.

7.5 It is therefore considered that the single storey rear extension would not meet the requirements of Part 1 Class A.

7.6 Under Part 1 Class B the loft conversion incorporating a rear dormer and four rooflights to the front roof slope does not meet the following test:

B2 (i) (aa) The eaves of the original roof are maintained or reinstated. The eaves of the original roof beneath the proposed dormer would be removed (and not reinstated) to accommodate the proposed rear extension the original eaves height of the property would therefore no longer exist.

7.7 It is therefore considered that the addition of a dormer to the rear roof slope and four rooflights to the front roof slope of the property would not meet the requirements of Part 1 Class B.

7.8 A search of the planning history has not revealed any conditions that restrict 'permitted

development rights' nor is the dwelling part of an Article 4 direction.

- 7.9 The height of the eaves exceeds the existing and the original eaves height of the property will no longer exist, therefore under the Town and Country Planning (General Permitted Development) (England) Order 2015 the works proposed would require formal planning permission.

8 **Conclusion**

Under Schedule 2, Part 1, Classes A and B of the The Town and Country Planning (General Permitted Development) Order 2015. It is considered that the proposed extension and rear dormer falls outside of the Permitted Development criteria and therefore planning permission is required and the certificate of lawfulness will be refused.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/17/01039 for the following reasons:-

- 1 The proposed single storey rear extension and rear dormer are not considered to represent permitted development under the Town and Country Planning (General Permitted Development Order) 2015 (as amended). The development does not meet with the following criteria and is therefore not able to be carried out under permitted development and would require formal planning permission.

Under Schedule 2, Part 1, Class A the extension to the rear of the property does not meets the following test:

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.** The existing eaves height is taken from the original in place at No 26 and therefore the proposed height of the extension exceeds the existing height of the eaves and is not permissible under permitted development rights.

Under Schedule 2, Part 1, Class B the rear dormer does not meets the following test:

B2 (i) (aa) The eaves of the original roof are maintained or reinstated.

The eaves of the original roof beneath the proposed dormer would be removed (and not reinstated) to accommodate the proposed rear extension the original eaves height of the property would therefore no longer exist.

It is therefore considered that the rear extension would not meet the requirements of Class A as the height of the eaves exceeds the existing eaves

and the rear dormer would not meet the requirements of Class B as the eaves of the original roof are not maintained or reinstated therefore under the Town and Country Planning (General Permitted Development) (England) Order 2015 the works proposed would require formal

planning permission.