
Site Address:	10 Katrina Gardens, Hayling Island, PO11 0NW		
Proposal:	Application for Lawful Development Certificate relating to loft conversion.		
Application No:	APP/18/00675	Expiry Date:	03/09/2018
Applicant:	Ms Jasicki		
Agent:	Mr Bone	Case Officer:	Denise Sheath
	PWP Architects		
Ward:	Hayling West		

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

1 Site Description

The property is a two storey dwelling constructed with red brick and a hung tiled roof, the property has an integral garage and off road parking.

2 Planning History

None Relevant

3 Proposal

Application for Lawful Development Certificate relating to loft conversion.

4 Legislation

The Town and Country Planning (General Permitted Development) Order 2015 (As Amended)

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: 2

Summary:

1. Concerns that the proposal is unsightly, overbearing, out of proportion to the original house; out of character with the location; overlooking and loss of privacy; impact on sunlight to adjoining rear gardens and parking concerns.

Comment: See Section 7.3

Summary:

2. Concerns that the proposal is overbearing and is an inappropriate design out of keeping for the area; overlooking and loss of privacy.

Comment: See Section 7.3

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 assessed against the 'permitted development' allowances in The Town and Country Planning (General Permitted Development) Order 2015 (As Amended). Of most relevance is 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 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

B.2 - The plans submitted, demonstrate that the conditions in B.2 would be met.

7.2 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 dormer to the rear roof slope of the property would meet the requirements of Part 1 Class B, therefore the application is lawful.

7.3 Other matters

It is noted that a number of neighbours have raised objections to this submission with regard to the impact of the development on the character and appearance of the area, and on the amenities of neighbouring properties. As has been outlined in this report, this is not an application for planning permission, were the matters raised would be

material planning considerations. This submission is for a Application for lawful development for proposed use, which is a technical exercise to see if 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 has been outlined the proposal does fall within the development allowances of the GPDO, and therefore the Local Planning Authority must grant the certificate in this instance, and it would be unreasonable to refuse the application.

8 Conclusion

It is considered that there is sufficient evidence as detailed in the submitted document to prove that the addition of a rear dormer is considered to be classed as permitted development under The Town and Country Planning (General Permitted Development) Order 2015 (As Amended), Part Class B 'additions etc to the roof of a dwellinghouse'.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/18/00675 subject to the following conditions

Wording for decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 09 July 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 the submitted Location Plan and Site Plan 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 allowance as set out in 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:

Proposed loft conversion incorporating a rear dormer as described in the written particulars, plans and other documents submitted with the application received 29 June 2018 and 09 July 2018.

SECOND SCHEDULE:

This certificate relates to land at 10 Katrina Gardens, Hayling Island, PO11 0NW as shown edged red on the submitted location plan received 09 July 2018.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Application Form
Location and Block Plan - Drawing No. 1100 Rev B
Proposed Ground Floor Plan - Drawing No. 1210 Rev B
Proposed First Floor Plan - Drawing No. 1211 Rev B
Proposed Roof Level Plan - Drawing No. 1212 Rev B

Proposed Elevations - Drawing No. 1311 Rev B

Proposed Section - Drawing No 1410 Rev B

Reason: - To ensure provision of a satisfactory development.