
Site Address: 7 Camelia Close, Havant, PO9 2FQ
Proposal: Application for Lawful Development Certificate for proposed loft conversion with rear dormer window and 3No. rooflights to front.
Application No: APP/18/00432 Expiry Date: 18/06/2018
Applicant: Miss Dering
Agent: Mr Quantrill Case Officer: Tina Pickup
 Architectural Services
Ward: St Faiths

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

1 Site Description

The application site relates to a relatively new semi detached dwelling with linked attached garage. It is constructed of pale brick with white windows and red concrete tile roof. To the rear it has a conservatory addition.

2 Planning History

96/55725/3 - Reserved Matters for 216 dwellings with associated access from Rowan Road and car parking - Phase II (Outline 90/55725)

APP/15/00774 - Single storey rear extension., PERM,28/08/2015

3 Proposal

Application for Lawful Development Certificate for proposed loft conversion with rear dormer window and 3No. rooflights to front.

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

4 Legislation

- 4.1 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

5 Statutory and Non Statutory Consultations

- 5.1 No consultees required for this application.

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

Comment	Officer Comment
None received	

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 has been assessed against Schedule 2, Part 1, Classes B and C.

7.4 Class B is relevant for the proposed rear dormer, which under Class B1 meets the following tests:

(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 show the proposed rear dormer to provide an additional 13.2 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

7.5 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) no side windows

7.6 Class C is relevant for the proposed front rooflights, which under Class C1 meets the following tests:

(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) The rooflights are stated as not protruding more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external

surface of the original roof;

(c) No part of the alteration would be higher than the highest part of the original roof;

(d) (i) there is no installation, alteration or replacement of a chimney, flue or soil and vent pipe

(ii) there would be no installation, alteration or replacement of solar photovoltaics or solar thermal equipment;

7.7 C2 conditions relate to side windows and none are proposed.

7.8 A search of the planning history has revealed that under 96/55725/3 which was for the Reserved Matters for the construction of 216 dwellings, pursuant to Outline 90/55725, was permitted on 13 February 1997 and condition 5 required the garages to be retained for the parking of cars and not converted to living space; and condition 10 removed Permitted Development rights pertaining to Part 1, Class A of the 1995 order or as amended - but only for the terraced properties and some semi-detached properties. Specific plot numbers are listed under condition 10 and this site was plot 205, which is not one of the listed plots. Therefore, with respect to a loft conversion, the property has intact 'permitted development' rights, and neither is the site part of an Article 4 direction.

8 **Conclusion**

8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the addition of the proposed flat roof dormer to the rear roofslope and rooflights in the front roofslope 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.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Economy be authorised to **Grant a Certificate of Lawful Development** for application APP/18/00432 as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes B and C.

Havant Borough Council, as Local Planning Authority, certifies that on 23rd April 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 Location Plan drawing no. 08/028-008 dated 09/04/18 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 loft conversion with rear dormer and 3No front rooflights at 7 Camelia Close, Havant is permitted development by virtue of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate for proposed loft conversion with rear dormer window and 3No. rooflights to front as specified on the following plans:

Location Plan drawing no. 08/028-008 dated 09/04/18

Ground Floor Proposed plan drawing no. 08/028-002 dated 09/04/18

First Floor Proposed plan drawing no. 08/028-004 dated 09/04/18

Second Floor Proposed plan drawing no. 08/028-005 dated 09/04/18

Proposed Elevations plan drawing no. 08/028-007 dated 09/04/18

SECOND SCHEDULE:

7 Camelia Close, Havant, PO9 2FQ, as shown edged in red on submitted 1:1250

Location Plan, drawing no. 08/028-008 dated 09/04/18

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 14 May 2018
- (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.