
Site Address: 34 Shillinglee, Waterloooville, PO7 5RW
Proposal: Application for Lawful Development Certificate relating to proposed gable wall and rear dormer window to enable loft conversion.
Application No: APP/18/00184 Expiry Date: 20/04/2018
Applicant: Mr Tull
Agent: Miss Baker Case Officer: Karen Wooden
 Town Planning Experts
Ward: Purbrook
Site Visit Date:

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

1 Site Description

- 1.1 The application site is a semi detached bungalow located in Shillinglee, a residential road containing detached and semi-detached bungalows and two storey properties. The properties are regularly spaced and conform to a uniform building line.
- 1.2 The property provides off road parking for several vehicles by means of a hardsurfaced drive, which leads from the highway to a detached garage located to the north west of the bungalow.
- 1.3 The property directly to the west benefits from similar roof alterations which provide first floor living accommodation.

2 Planning History

APP/18/00187 - Addition of front dormer and rear extension., DEL, Currently being considered

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed hip to gable roof alteration and dormer to the rear roof slope of the property 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: 5

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 has been assessed against Part 1 Class B.

7.4 Under Class B1 the hip to gable alterations and the rear dormer meet 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 hip to gable roof will provide an additional 32.81 cubic metres, and the proposed rear dormer will provide an additional 15.93 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 The materials to be used are to match those used on the original dwellinghouse

7.6 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.

8 Conclusion

8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to demonstrate that the proposed hip to gable roof and addition of a dormer to the rear roof slope of the property are considered to be classed as permitted development under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to Grant a Certificate of Lawful Development for application APP/15/00942.

Havant Borough Council, as Local Planning Authority, certifies that on 14 May 2018 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged red on the plan attached to this certificate 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 hip to gable roof and addition of a rear dormer to the property within the curtilage of 34 Shillinglee, Waterlooville is permitted development 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:

The alteration of the roof from hip to gable and the addition of a rear dormer window as described in the written particulars, and Plan No's 01 and 02 submitted with your application received on 13 February 2018 and on an amended plan received 11 May 2018.

SECOND SCHEDULE:

This certificate relates to land at 34 Shillinglee, Waterlooville, as shown edged red on the Location Plan received 13.02.18.

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.

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan - received 13.02.18

Existing floor plans and elevations (for existing plans only) - 02 - received 13.02.18

Amended proposed floor plans and elevations - received 11.05.18

Reason: - To ensure provision of a satisfactory development.