

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. The distance between the proposed development and neighbouring dwellinghouse is 1m and there is concern regarding scaffolding and adequate protection to ensure nothing falls over the fence. I would ask that there are adequate down pipes to cope with the increase of rain-water. Builders need to be aware of the use of the road for the school run.

Planning Officer Comment: The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and as such these concerns are likely to be a civil matter to be discussed between neighbours.

Summary:

2. Concerns raised over the safety of the road during construction particularly around the corner of New Brighton Road. Difficulty in entering and existing own driveway. Also concern re school drop of and pick up times

Planning Officer Comment: The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and road safety is a matter for the police or highway authority.

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 proposed alterations will be considered against Schedule 2, Part 1, Class B and Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) 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: (i) conversion of garage (ii) first floor side addition (iii) fenestration alterations (iv) rear extension.

7.4 (i) A search of the planning history has not revealed conditions that restrict 'permitted development rights' nor the conversion of the garage into a habitable room and

therefore this is considered to be an acceptable part of the application.

7.5 Under Schedule 2, Part 1, Class B: (ii) The first floor side addition.

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).

Not applicable in this instance.

(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 extension 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 of the dwellinghouse 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 50 cubic metres.

The proposed extension does not exceed 50 cubic metres.

(e) it would consist of or include:

(i) the construction or provision of a veranda, balcony or raised platform.

Not applicable in this instance.

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

Not applicable in this instance.

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

7.6 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.

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 and reinstated 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.
One window is proposed to be installed within the side extension however it shall be fitted with obscure glass and be non opening unless higher than 1.7m from the proposed finished floor level and therefore complies with the conditions.

7.7 Under Schedule 2, Part 1, Class A and Class B: (iii) Fenestration Alterations.

Under Class A Development is not permitted if:

Condition A.3 (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be

- (i) Obscure glazed, and,
- (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Under Class B Development is not permitted if:

Condition B.2 (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-

- (i) obscure glazed and,
- (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The only window proposed along the roof slop of the side extension shall be fitted with obscure glass and be non opening unless higher than 1.7m from the proposed finished floor level. Therefore the windows proposed within the rear and front elevation comply with the above conditions and can be installed without planning permission.

7.8 Under Schedule 2, Part 1, Class A: (iv) Rear Extension

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

(b) The proposed rear extension will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)

(c) The height of the proposed rear extension will not exceed the highest part of the roof of the existing dwellinghouse

(d) The height of the eaves of the proposed rear extension will not exceed the highest part of the eaves of the existing dwellinghouse

(e) The rear extension will not extend beyond a wall which forms either the principle elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse

(f) The proposed rear extension will have a single storey and will not extend more than 4m from the rear wall of the existing dwellinghouse, nor will it exceed 4m in height

(g) Not relevant in this application as the proposal falls within permitted development limits

(h) Not relevant in this application as the extension is single storey

(i) The enlarged part of the dwellinghouse will not be within 2 metres of the boundary, and the height of the eaves of the enlarged part will not exceed 3 metres.

(j) Not relevant in this application as it is a rear extension.

(k) The proposal does not include the construction or provision of a veranda, balcony or raised platform; it does not include the installation, alteration or replacement of a microwave antenna; it does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the alteration to any part of the roof of the dwellinghouse

A.2 Not relevant to this application as the property is not located on article 2(3) land.

A.3 The materials used are to match the existing materials of the current property and there will be no glazing added at first floor level.

A.4 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.

It is therefore considered that the addition of a single storey rear extension would meet the requirements of Part 1 Class A.

8 Conclusion

- 8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove the proposed development falls within permitted development tolerances as set out in Schedule 2, Part 1, Class A and Class B of 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/17/00336 as follows:-

Havant Borough Council, as Local Planning Authority, certifies that on 28th March 2017 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 'Proposed Block Plan' received 28.03.2017 is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed conversion of the garage to living accommodation, first floor side addition incorporating loft conversion with pitched roof and fenestration alterations at 31 Christopher Way, Emsworth, PO10 7QZ by virtue of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

First Schedule:

This certificate relates to the following development:

Proposed conversion of the garage to living accommodation, first floor side addition

incorporating loft conversion with pitched roof and fenestration alterations as shown on submitted drawings:

Proposed Block Plan: Received 28.03.2017

Location Plan: Received 28.03.2017

Existing and Proposed Floor and Elevations Plan: Drawing No 10781-1b

Second Schedule:

This certificate relates to 31 Christopher Way, Emsworth, PO10 7QZ, as shown edged red on the submitted 1:500 'Proposed Block Plan' received on the 28th March 2017