
Site Address: 3 Chestnut Avenue, Havant, PO9 3QR
Proposal: Application for Lawful Development Certificate relating to loft conversion incorporating two rear dormers and two velux windows to the front.
Application No: APP/17/00727 Expiry Date: 30/08/2017
Applicant: Ms Taylor
Agent: Mr Rosenthal Case Officer: Bee Crawford
 Rosenthal Design Services Ltd
Ward: Bedhampton

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

1 Site Description

- 1.1 The application site is a detached bungalow and attached garage. It has a brown tiled pitched, hipped and barn hipped roof and elevations of red multibrick and white painted render. The site is level, higher than the road with open vehicular access to the front leading to an area of tarmac, grass and shrubs with dwarf walls to the northern and eastern boundaries and shrubs to the western boundary. The rear garden is mainly laid to lawn enclosed to all boundaries with 2 metre high fencing.
- 1.2 Detached bungalows are to the east, west and opposite and front elevations of properties in Ashwood Close are to the rear, beyond the highway. The area is of medium density with detached bungalows of a similar age, different styles and design.

2 Planning History

HWU 2255 - permission granted 05/03/1953 - permitted development rights intact.

3 Proposal

- 3.1 Application for Lawful Development Certificate relating to loft conversion incorporating two rear dormers and two rooflights to the front.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

None required.

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 has been assessed against Part 1 Class B.

7.4 Under Class B the loft conversion incorporating two rear dormers and two rooflights to the front meets the following tests:

- (a) The permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Classes M, N, P or Q of Part 3 of the Schedule (changes of use)
- (b) The dormer windows and rooflights would not exceed the height of the highest part of the existing roof
- (c) The dormer windows and rooflights would not 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
- (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 1(5) land

7.5 B2 - The plans submitted demonstrate that the conditions in B2 would be met.

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.

It is therefore considered that the addition of two dormer windows to the rear roof slope and two rooflights to the front roof slope of the property would meet the requirements of Part 1 Class B.

8 Conclusion

8.1 There is sufficient evidence as detailed in the submitted documentation to prove that the loft conversion incorporating two rear dormers and two rooflights to the front is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house',

Class B.1. The Lawful Development Certificate should therefore be granted.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to Grant a Certificate of Lawful Development for application APP/17/00727 subject to the following conditions (a) as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class B.1.

a) the materials used in any exterior work (other than those used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

b) the enlargement must be constructed so that other in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension:

the eaves or the original roof are maintained or reinstated and 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 eaves and:

other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse

Wording for decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 7 July 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 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 A 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 two rear dormers and two rooflights to the front as described in the written particulars, plans and other documents submitted with the application being Drg no. 01 existing ground floor plan, Drg no. 02 proposed ground floor plan, Drg no. 03 proposed first floor plan, Drg no 04 existing elevations plan, Drg no. 05 proposed elevations plan and Drg no. 06 location plan received on 5 July 2017.

SECOND SCHEDULE:

This certificate relates to land at 3 Chestnut Avenue, Havant, PO9 3QR as shown edged red on the submitted location plan received 5 July 2017.

