
Site Address: 35 Cherry Tree Avenue, Waterloooville, PO8 8AY
Proposal: Application for certificate of lawfulness relating to proposed hip to gable roof extension with obscured side facing window to facilitate ensuite to first floor bedrooms.
Application Type: Certificate of Lawfulness
Application No: APP/22/01102 Expiry Date: 09/01/2023
Applicant: Mrs J Aparo
Agent: Mr T Peters Case Officer: Jenni Price
Ward: Cowplain

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

1 Site

1.1 The application site is located on the north-western side of Cherry Tree Avenue. The property is a semi-detached house which comprises traditional brick and tile construction, along with a bay window on the front elevation and a small dormer window in the front roof slope. To the rear of the property there is a single storey brick built extension and attached to this and located to the eastern side is a conservatory extension. There is a small dormer window in the rear roof slope.

1.2 The adjoining property at no. 37 is a semi-detached house which has a small front dormer window and a Dutch gable end roof extension. The windows on the ground floor are obscure glazed.

2 Planning History

In 2005 planning permission (05/67465/000) was refused for a raised roof from pitched roof to barn hipped. Dormer windows to front and rear elevations.

3 Proposal

Certificate of lawfulness for a proposed hip to gable roof extension with obscured side facing window to facilitate ensuite to first floor bedrooms.

4 Policy Considerations

Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Not relevant for an application for a Certificate of Lawfulness of proposed development.

6 Community Involvement

Not relevant for an application for a Certificate of Lawfulness of proposed development.

7 Planning Considerations

7.1 In having due regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - hereon referred to as the GPDO - and the relevant policies in the development plan, it is considered that the main issue arising from this application is the principle of development.

Principle of Development

7.2 The proposed development would comprise the following:

- (1) A hip-to-gable roof extension with a window in the gabled end.

7.3 A search of the planning history of the site has not revealed any conditions that restrict permitted development rights (PDR). As such, the proposed development has been assessed against Class B in Schedule 2, Part 1 of the GPDO.

Schedule 2, Part 1, Class B - Additions to the Roof

7.4 Class B provides permitted development rights (PDR) for the enlargement of a house consisting of an addition or alteration to its roof. The proposed (1) hip-to-gable roof extension and (2) 1no. window in the gable end have been assessed against the following criteria and conditions under Class B:

B.1 Development is not permitted by Class B if -

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA, or Q of Part of 3 of this Schedule (Change of Use).

This is not applicable to the proposed development.

(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 proposed development would not exceed the height of the highest part of the existing roof.

(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 proposed (1) hip-to-gable roof extension would not extend beyond the plane of the existing roof slope on the principal (front) elevation of the dwellinghouse (which also fronts the highway).

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -

- (i) 40 cubic metres in the case of a terrace house; or*
- (ii) 50 cubic metres in any other case.*

The existing dwellinghouse is semi-detached and so Criterion (d)(ii) applies. The proposed development would result in approximately 27.83m³ of resulting roof space which would comprise 17.22m³ from the (1) hip-to-gable roof extension, and (2) 5.67m³ existing rear dormer and 4.94m³ existing front dormer. This is less than the total 50 cubic metre limit.

(e) It would consist of, or include -

- (i) The construction or provision of a verandah, balcony, or raised platform; or*
- (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe.*

The proposed development would not comprise any of the above.

(f) The dwellinghouse is on Article 2(3) land.

The site is not on Article 2(3) land.

(g) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

N/A

(h) The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)

N/A

B.2 Development is permitted by Class B subject to the following conditions -

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The applicant/agent has described in the submitted application form that roofing tiles to match existing and tile hanging of gable face to match dormers.

(b) The enlargement shall be constructed so that -

(i) Other than 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 -

(aa) The eaves of the original roof are maintained or reinstated; and

(bb) The edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves.

(ii) 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.

The proposed development is for a hipped to gable extension to the roof.

(c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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 proposed window in the gable wall on the northern side elevation would be obscure glazed as per Condition B.2(c)(i). In terms of opening, only the top section of the proposed window would be openable, and the openable section would be 1.7m above the finish floor level and so would comply with Condition B.2(c)(ii).

8 Conclusion

8.1 The proposed development falls within the permitted development allowance as set out under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, a Lawful Development Certificate (LDC) can be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A LAWFUL DEVELOPMENT CERTIFICATE** for the application APP/22/01102 for the following reason:

The proposed development falls within the permitted development allowance as set out under Schedule 2, Part 1, Class B and Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE:

This certificate relates to the following development:

Application for certificate of lawfulness relating to proposed hip to gable roof extension with obscured side facing window to facilitate ensuite to first floor bedrooms.
as described in the written particulars, plans and other documents submitted with your application received on 14 November 2022.

SECOND SCHEDULE:

This certificate relates to land at 35 Cherry Tree Avenue, Waterloooville, PO8 8AY as shown edged red on the submitted Location Plan received 14 November 2022.