
Site Address: 37 Almond Close, Havant, PO9 3LP
Proposal: Certificate of lawfulness for a proposed hip to gable extension and dormer to rear.
Application Type: Certificate of Lawfulness
Application No: APP/22/00678 Expiry Date: 30/08/2022
Applicant: Mr & Mrs Edney
Agent: Mrs Wells Case Officer: Lewis Ford
 Applecore PDM Ltd
Ward: Bedhampton

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

1 Site Description

The application site is 37 Almond Close, Havant, PO9 3LP. The site includes a 2.5 storey, semi-detached dwellinghouse which comprises traditional brick and tile construction, along with bay windows on the front elevation and white render at first floor.

2 Planning History

27418 – PERM in July 1978 for replacement brick garage.

APP/19/01213 – CLE in Feb 2020 for proposed single storey rear extension.

3 Proposal

Certificate of lawfulness for a proposed hip to gable extension and dormer to rear.

4 Policy Considerations

National Planning Policy Framework
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; and
- (2) 1no. rear dormer; and
- (3) 2no. front roof lights.

- 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** and **Class C** 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. rear dormer 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 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 and (2) 1no. rear dormer would not extend beyond the plane of the existing roof slope on the principal (front) elevation of the dwellinghouse (which also fronts the highway). As for the proposed 2no. front roof lights, these have been assessed under Schedule 2, Part 1, Class C of the GPDO – see below.

(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 44.35 cubic metres of resulting roof space which would comprise 20.22 cubic metres from the (1) hip-to-gable roof extension, and 24.13 cubic metres from the (2) 1no. rear 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.

As per the “Amended Proposed Plans and Elevations” (Drawing no: PG.7100.22.02 REV C), the proposed development would comprise tiles (on the roof and dormer walls) and white UPVC windows to match the existing dwellinghouse.

(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 would be more than 0.2m from the outside edge of the existing eaves, and would not extend beyond the outside face of any external wall of the original dwellinghouse.

(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.

As per the “Amended Proposed Plans and Elevations” (Drawing no: PG.7100.22.02 REV C), 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).

Schedule 2, Part 1, Class C - Other Alterations to the Roof

- 7.5 Class C provides permitted development rights (PDR) for any other alteration to the roof of a house – i.e., the installation of roof lights / windows. The (3) 2no. front roof lights have been assessed against the following criteria under Class C:

C.1 Development is not permitted by Class C 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) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

The proposed roof lights would not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

(c) It would result in the highest part of the alteration being higher than the highest part of the original roof.

The proposed roof lights would not exceed the height of the highest part of the existing roof.

(d) It would consist of, or include –

(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;

(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposed development would not comprise any of the above.

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

N/A

C.2 Development is permitted by Class C subject to the condition that any window located on a 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.

As per the “Amended Proposed Plans and Elevations” (Drawing no: PG.7100.22.02 REV C), the proposed window in the gable wall on the northern side elevation would be obscure glazed as per Condition C.2. 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 C.2

8 Conclusion

- 8.1 The proposed development falls within the permitted development allowance as set out under Schedule 2, Part 1, Class B and Schedule 2, Part 1, Class C 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 CERTIFICATE OF LAWFUL USE** for application APP/22/00678 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, Part 1, Class C 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 for a proposed hip-to-gable extension and dormer to rear as described in the written particulars and plans published on 15 July 2022, and the amended plans submitted and published on 22 August 2022, which are

replicated as follows:

Application Form (Published 15 July 2022)

Location Plan (Published 15 July 2022)

Block Plan (Published 15 July 2022)

Drg No: PG.7100.22.01 – Existing Plans and Elevations (Published 15 July 2022)

Drg No: PG.7100.22.02 REV C – Amended Proposed Plans and Elevations
(Published 22 August 2022)

SECOND SCHEDULE:

This certificate relates to land at 37 Almond Close, Havant, PO9 3LP as shown edged red on the submitted Location Plan published on 15 July 2022.