

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

- 3.1 Application for a Lawful Development Certificate for construction of two rear dormers in materials to match/compliment existing.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

- 5.1 Not required.

6 Community Involvement

- 6.1 Not required.

7 Planning Considerations

- 7.1 Permission APP/12/00800 for the dwelling had a number of conditions imposed. Condition 3 stated:

Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows/doors or other openings shall be constructed within the east elevation of the two storey dwelling or the west elevation of the bungalow without the prior written approval of the Local Planning Authority. Our Ref: APP/12/00800.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework 2012.

- 7.2 The proposed dormers have been designed so as not to incorporate any windows or other openings so would not be in breach of this condition.
- 7.3 The dormers would fall within Class B – The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- 7.4 Under this Class, as the dwelling is detached, a total volume of 50 cubic metres is the maximum that can be carried out as an addition to the roof. The proposed dormers would result in approximately 19 cubic metres.
- 7.5 The edge of the dormers closest to the eaves of the original roof is not less than 0.2 metres measured along the roof slope from the outside edge of the eaves.
- 7.6 The materials would match/complement the existing.
- 7.7 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 7.8 The development has been assessed against Class B.

8 Conclusion

- 8.1 The proposed development constitutes permitted development 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 can be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/22/00056.

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate for construction of two rear dormers in materials to match/compliment existing as described in the written particulars, plans and other documents submitted with your application received on 25 January 2022.

SECOND SCHEDULE:

This certificate relates to land at 59 Deverell Place, Waterloooville, PO7 5ED as shown edged red on the submitted Location Plan received 25 January 2022.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 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 part 7 of the 1990 Act on that date.
- (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.