

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

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 Schedule 2, Part 1, Class B.
- 7.4 Class B is relevant for the proposed roof alterations from hipped to gable and rear dormer, which under Class B1 meets the following tests:
- (a) The property has not been granted permission to use the dwellinghouse as a dwellinghouse only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
 - (b) No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
 - (c) No 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;
 - (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 proposal does 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
 - (e) The application site is not on article 2(3) land
- 7.5 B2 The materials to be used are to match those used on the original dwellinghouse
- 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.

8 Conclusion

- 8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the addition of the proposed hipped to gable roof alteration with a flat roof dormer to the rear roof slope are considered to be permitted development under 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/21/01112

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness for a proposed loft conversion including hip to gable roof and rear dormer as described in the written particulars, plans and other documents submitted with your application received on 23 September 2021 and 17 November 2021.

SECOND SCHEDULE:

This certificate relates to land at 19 Fir Copse Road, Waterloo, PO7 5JA as shown edged red on the submitted Location Plan received 23 September 2021 Drawing No: 5077.21.CC.

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.