

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:

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) Principle of development

7.2 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 The development has been assessed against Schedule 2, Part 1, Class B with regards to the proposed hip to gable loft conversion with rear dormer.

7.4 Under Schedule 2, Part 1, Class B, the proposed development meets the following tests:

Part 1: Development within the curtilage of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

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, P or Q of Part 3 of this Schedule (changes of use).

This property has not.

(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 does 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 development does not.

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres

The proposed development does not exceed 50 cubic content.

(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 does not consist or include this, as the Juliettee balconies do not include platforms.

- (f) *The dwellinghouse is on article 2(3) land.*

The proposed development is not on article 2(3) land.

Conditions

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

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*

The materials to be used in the loft conversion are to be similar in appearance to the existing dwellinghouse.

- (b) the enlargement must 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 is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and*

- (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; and*

The eaves of the original roof are maintained. The edge of the enlargement closest to the eaves are more than 0.2 metres from the eaves. No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

- (a) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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;*

There are no upper floor side windows to be inserted on the loft conversion.

8 Conclusion

- 8.1 The proposed development falls within the permitted development criteria as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted

Development) 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/21/01357

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of lawfulness relating to proposed rear dormer with juliette balconies and loft conversion. as described in the written particulars, plans and other documents submitted with your application received on 26 November 2021.

SECOND SCHEDULE:

This certificate relates to land at 216 Milton Road, Cowplain, Waterloooville, PO8 8SE as shown edged red on the submitted Location Plan received 26 November 2021.

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.