

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

7 Planning Considerations

- 7.1 Having due regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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:

- The delivery of **2no. roof lights** on the eastern roof slope measuring 0.8 metres by 0.8 metres; and
- The delivery of **2no. flat-roofed dormers** as follows:
 - Eastern Roof Slope: the replacement of an existing pitched-roof dormer with a flat-roofed dormer comprising 2no. windows (1.2 x 1.1 metres) and an approximate width, depth and height of 5.4m, 2.3m and 2.4m respectively.
 - Western Roof Slope: the delivery of new flat-roofed dormer comprising 2no. windows (1.2 x 1.2 metres) and an approximate width, depth and height of 3.8m, 2.4m and 2.5m respectively.

- 7.3 A search of the planning history has not revealed any conditions that restrict permitted development rights (PDR).

- 7.4 The proposed dormers and roof lights fall under, and so have been assessed against, **Class B and Class C** respectively in **Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**. Class B provides permitted development rights for the enlargement of a house consisting of an addition or alteration to its roof, whilst Class C provides permitted development rights for any other alteration to the roof of a house – i.e., the installation of roof lights / windows.

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

- 7.5 The proposed dormers have been assessed against the following criteria 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 development would not extend beyond the plane of the 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 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 application site is a detached house. The proposed development would result in 26.3 cubic metres of resulting roof space which is lower than, and therefore does not exceed, the 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.**

In terms of Criterion (e)(i), the proposed development would not comprise the construction and/or provision of a verandah, balcony and/or raised platform.

In terms of Criterion (e)(ii), the proposed development would not comprise the installation, alteration and/or replacement of a chimney, flue or soil and vent pipe.

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

A small area at the end of the rear garden is within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). However, the dwellinghouse and the proposed development is not within the AONB and, therefore, is not on Article 2(3) land.

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 proposed elevation plan and the proposed roof plan confirm that all materials will match existing.

b) The enlargement shall be constructed to 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 dwelling house.

In terms of Condition (b)(i)(aa), the eaves of the original roof would be maintained.

In terms of Condition (b)(i)(bb), the edge of the enlargement closest to the existing (maintained) eaves would be more than the 0.2 metre minimum.

In terms of Condition (b)(ii), no part of the enlargement would 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.

In terms of Condition (c)(i), the proposed elevation plan confirms that the dormer windows would be obscure glazed.

In terms of Condition (c)(ii), the proposed elevation plan confirms that the dormer windows would be non-openable unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the windows have been installed.

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

- 7.6 The proposed 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 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 elevations confirm that 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; or

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

In terms of Criterion (d)(i), the proposed roof lights would not comprise the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

In terms of Criterion (d)(ii), the proposed roof lights would not comprise the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

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 -

a) Obscure-glazed; and

b) 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.

In terms of Condition (a), the proposed elevations confirm that the roof lights would be obscure glazed.

In terms of Condition (b), the proposed elevations confirm that the roof lights would be non-openable unless the parts of the roof lights which can be opened are more than 1.7m above the floor of the room in which the roof lights have been installed.

8 Conclusion

- 8.1 The proposed development falls within the permitted development allowances as set out in 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 **can** be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/22/00042 for the following reason:

The proposed development falls within the permitted development allowances as set out in 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 relating to proposed roof extensions with dormers to both side elevations as described in the written particulars submitted with your application on 27 January 2022, and the revised proposed plans (Rev A) submitted on 10 March 2022 which are replicated as follows:

- Drg No. 1485-P1 – Existing Floor Plans
- Drg No. 1485-P2 – Existing Elevations
- Drg No. 1485-P3 Rev A – Proposed Floor Plans
- Drg No. 1485-P4 Rev A – Proposed Elevations

SECOND SCHEDULE:

This certificate relates to land at 17 Salterns Lane, Hayling Island, PO11 9PH as shown edged bold on the submitted Location Plan received 27 January 2022.

OTHER IMPORTANT INFORMATION:

- (1) This certificate is issued on the basis that the proposed windows must be obscure-glazed and can only be openable if the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the windows have been installed. This was agreed through email correspondence, between the case officer and the applicant's agent, between 03 and 10 March 2022. If at any point the occupant wishes to install clear-glazed windows, and/or openable windows which are less than 1.7m above the floor of the room in which the windows have been installed, then formal planning permission will be required.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.