
Site Address:	55 Hillmead Gardens, Havant, PO9 3NN		
Proposal:	Application for certificate of lawfulness relating to proposed loft conversion with rear dormer and car port to side.		
Application No:	APP/21/00676	Expiry Date:	06/08/2021
Applicant:	Mr Williams		
Agent:	Mr Beckmann	Case Officer:	Selina Donophy
	Beckmann Architecture Limited		
Ward:	Bedhampton		

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

1 Site Description

55 Hillmead Gardens, Havant, PO9 3NN

2 Planning History

01/65990/000 - Rear Conservatory., PERM,02/04/2001

APP/10/00497 - Outline application for the erection of 92No. open market and affordable dwellings comprising 4No. 1 bed flats; 5No. 2 bed flats; 26No. 2 bed houses; 48No. 3 bed houses; 9No. 4 bed houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2No. dwellings; and new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road. , REF,22/06/2011

APP/13/00102 - Variation of Condition No. 21 of Planning Permission APP/12/00612 to permit phased construction of estate roads., WD,18/04/2013

APP/13/00821 - Discharge of Condition No/s 15 and 27 and partial discharge of Condition No/s 23 and 39 of Planning Permission APP/13/00103, ,25/10/2013

APP/14/00104 - Discharge of Condition No24 (part) and Condition No23 (remainder) relating to Planning APP/13/00103., PERM,25/03/2014

APP/14/00134 - Display of 3No. freestanding stack advertisements (2 arranged in 'V' formation) and 2No. flags, located at Brooklands Road and Portsdown Hill Road., PERM,04/04/2014

APP/13/00103 - Variation of Condition 47 of Planning Permission APP/12/00612 to allow for a revised layout for the approved scheme, including change to house types comprising 2No. 1 bed flats, 7No. 2 bed flats, 27No. 2 bed houses, 48No. 3 bed houses, 8No. 4 bed houses; and garage/parking amendments (Approved 15/07/13). Request to Discharge Condition No. 29 (21.06.16), PERM,15/07/2013

APP/14/00953 - Discharge of Condition No/s 4, 11 and 32 of Planning Permission APP/13/00103., PERM,10/10/2014

APP/15/00130 - Discharge of Conditions 23, 24 and 25 of Planning Permission APP/13/00103., PERM,20/02/2015

APP/15/01184 - Request to Discharge of Condition No/s 26 and 39 of Planning Permission APP/13/00103

, PERM,07/12/2015

APP/18/00723 - Retrospective application for the erection of detached garage following demolition of existing outbuilding., PERM,10/09/2018

APP/20/00138 - Creation of carport and first floor side extension, dormer to rear elevation, extension to existing roof including 3no. Velux rooflights to front elevation and 1no. Velux rooflight to rear elevation to provide habitable accommodation in loft space., REF,09/09/2020

APP/21/00365 - Creation of carport and first floor side extension, dormer to rear elevation, extension to existing roof including 3no. Velux rooflights to front elevation. (Revised application)., REF,27/05/2021

3 Proposal

Application for certificate of lawfulness relating to proposed loft conversion with rear dormer and car port to side.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:

Comment	Officer Comment
---------	-----------------

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). Of most relevance is Technical Guidance on Permitted Development Rights for Householders released by the Department for Communities and Local Government in April 2016.

7.3 The development has been assessed against Part 1 Class B. Under Class B the addition of a rear dormer meets the following tests.

(a) No permission to use the dwellinghouse as a dwellinghouse has been granted by virtue of Classes M, N, P, PA, or Q of Part 3 of this Schedule (changes of use)

(b) The dormer would not exceed the highest part of the existing roof

(c) The dormer would not extend beyond the plane of any existing roof slope which forms the principal elevation or 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 dormers do 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

(f) The application site is not on article 2(3) land

B.2 - The plans submitted, demonstrate that the conditions in B.2 would be met.

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.

7.4 The proposed rooflights to the front roof slope would be considered against the restrictions for development provided by C.1, the response to which are detailed below:

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

(b) The alteration 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 not result in the highest part of the alteration being higher than the highest part of the original roof ;

- (d) It would not 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
- (e) Rooflights would be sited on the front elevation

7.5 The proposal for a side car port has been considered against the restrictions for development provided by Class A , the response to which are detailed below:

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)
- (b) The proposed side extension will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)
- (c) The height of the proposed side extension will not exceed the highest part of the roof of the existing dwellinghouse
- (d) The height of the eaves of the proposed side extension will not exceed the highest part of the eaves of the existing dwellinghouse
- (e) The proposed side extension will not extend beyond a wall which forms either the principle elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse
- (f) Not relevant in this application as the proposed development is to the side elevation.
- (g) Not relevant in this application as the proposal falls within permitted development limits
- (h) Not relevant in this application as the extension is single storey
- (i) Although the proposed side extension will be within 2m of the boundary of the curtilage, the eaves height will not exceed 3m
- (j) The single storey side extension will not exceed 4 metres in height, have more than a single storey or have a width greater than half of the width of the original dwellinghouse
- (k) The proposal does not include the construction or provision of a veranda, balcony or raised platform; it does not include the installation, alteration or replacement of a microwave antenna; it does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the alteration to any part of the roof of the dwellinghouse

A.2- Not relevant to this application as the property is not located on article 2(3) land.

A.3- The materials used will match the existing materials of the current property and there will be no glazing added at first floor level to the side elevation.

A search of the planning history has not revealed any conditions that restrict Permitted Development rights nor is the dwelling part of an Article 4 direction.

- 7.6 It is therefore considered that the addition of a dormer to the rear roof slope and two rooflights to the front roof slope of the property would meet the requirements of Part 1 Class B and Part 1 Class C and the car port to the side would meet the requirements of Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) .
- 7.7 Under Part 1 Classes A, B and C this meets the following tests:

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in Part 1 Classes A ,B and C 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/21/00676

FIRST SCHEDULE:

This certificate relates to the following development:

Application for certificate of lawfulness relating to proposed loft conversion with rear dormer and car port to side. as described in the written particulars, plans and other documents submitted with your application received on 11 June 2021.

SECOND SCHEDULE:

This certificate relates to land at 55 Hillmead Gardens, Havant, PO9 3NN as shown edged red on the submitted Location Plan received 11 June 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.