

Site Address: 3 Morelands Road, Waterlooville, PO7 5PT

Proposal: Application for Lawful Development Certificate relating to new roof windows to front and side elevations, removal of existing side porch, new double doors to ground floor rear elevation and juliette balcony to first floor rear elevation and internal reconfiguration.

|                 |                     |               |               |
|-----------------|---------------------|---------------|---------------|
| Application No: | APP/21/01137        | Expiry Date:  | 20/12/2021    |
| Applicant:      | Billy Dyne          |               |               |
| Agent:          | Mr J Moser          | Case Officer: | Denise Sheath |
|                 | Design Team Studios |               |               |
| Ward:           | Purbrook            |               |               |

## 1 Site Description

## 2 Planning History

### 3 Proposal

## 4 Policy Considerations

## 5 Statutory and Non Statutory Consultations

## 6 Community Involvement

## 7 Planning Considerations

- (i) Whether the development would require planning permission
- 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 C.
- 7.4 Class C is relevant for the proposed rooflights to the front and both side roof slopes, which under Class C1 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) The rooflights are stated as not protruding more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
  - (c) No part of the alteration would be higher than the highest part of the original roof;
  - (d)
    - (i) there is no installation, alteration or replacement of a chimney, flue or soil and vent pipe
    - (ii) there would be no installation, alteration or replacement of solar photovoltaics or solar thermal equipment;
- 7.7 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
- The Agent has confirmed that the side facing roof windows shall be obscured glazed to a minimum level 3 but will be opening where set above 1.7M above FFL.**
- 7.8 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.

#### **Other alterations – Replacement Fenestration and Juliet Balcony.**

- 7.9 The development has been assessed against Schedule 2, Part 1 Class A.
- (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.
- 7.10 **A balcony is understood to be a platform with a rail, balustrade or parapet projecting outside an upper storey of a building. A 'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development.**
- The proposed Juliet balcony to the first floor rear elevation is shown to have no platform and no external access and would therefore fall within permitted development criteria.

7.11 A2 - The application site is not situated within Article 2(3) land.

7.12 A3 - The plans submitted demonstrate that the conditions in A3 would be met.

7.13 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.

## **8 Conclusion**

8.1 The proposed development falls within permitted development regulations as set out in Classes A and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/21/01137

### **FIRST SCHEDULE:**

This certificate relates to the following development:

Application for Lawful Development Certificate relating to new roof windows to front and side elevations, removal of existing side porch, new double doors to ground floor rear elevation and Juliet balcony to first floor rear elevation and internal reconfiguration. as described in the written particulars, plans and other documents submitted with your application received on 30 September 2021, 03 November 2021 and 16 November 2021.

### **SECOND SCHEDULE:**

This certificate relates to land at 3 Morelands Road, Waterloooville, PO7 5PT as shown edged red on the submitted Location Plan received 30 September 2021 Drawing No. 549.P100A.

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**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.