
Site Address:	1 Hillside Avenue, Waterloooville, PO7 5BB		
Proposal:	Application for certificate of lawfulness relating to proposed rear dormer window to create loft conversion.		
Application No:	APP/21/01153	Expiry Date:	22/12/2021
Applicant:	Mr Zinyemba		
Agent:	Mr Leroy-Smith	Case Officer:	Denise Sheath
	Carl Architect Ltd		
Ward:	Purbrook		

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

1 Site Description

1 Hillside Avenue, Waterloooville, PO7 5BB

2 Planning History

APP/21/01152 - Prior notification for single storey development extending 4.26 metres beyond the rear wall of the original dwelling, incorporating an eaves height of 3 metres and a maximum height of 3.52 metres.

3 Proposal

Application for certificate of lawfulness relating to proposed rear dormer window to create loft conversion.

4 Policy Considerations

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015.

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development.

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) 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 B.
- 7.4 Class B is relevant for the proposed 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

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in 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/21/01153

FIRST SCHEDULE:

This certificate relates to the following development:

Application for certificate of lawfulness relating to proposed rear dormer window to create loft conversion as described in the written particulars, plans and other documents submitted with your application received on 25 October 2021.

SECOND SCHEDULE:

This certificate relates to land at 1 Hillside Avenue, Waterloooville, PO7 5BB as shown edged red on the submitted Site and Location Plan - Drawing No. PL.76.16-01 received 25 October 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.