
Site Address:	26 Esher Grove, Waterloo, PO7 6XG		
Proposal:	Application for Certificate of Lawfulness relating to proposed extension to roof dormer on north east elevation.		
Application No:	APP/16/00741	Expiry Date:	15/09/2016
Applicant:	Mr A Forrest		
Agent:	Mr J Moser	Case Officer:	Emma Chisnall
	Design Team Studios		
Ward:	Waterloo		

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

1 Site Description

The dwellings along Esher Grove are characterised by having a uniform design, size and shape and all have moderately sized dormers within the roof space to the rear. No 26 is a semi-detached dwelling constructed of red brick walls with a concrete tiled roof which has been extended to the rear at single storey and has an adequate amenity space to the rear which is mostly lawn. The curtilage boundary is constructed of timber fencing approximately 1.8m high and along the rear curtilage boundary an outhouse/garage has been constructed which occupies approximately a third of the garden amenity space and increases the boundary height. A driveway runs along the side of the dwelling providing a provision for parking three cars. To the front of the dwelling the amenity space is moderately sized and is currently under construction but has a low brick wall boundary surrounding the curtilage.

2 Planning History

56/04551 - for the erection of 123 houses and bungalows, UNK, 11/09/1956
APP/16/00097 - Two storey rear extension., WD, 16/03/2016- In March 2016 the original application was submitted for a two storey rear extension. It was considered that the design was bulky, obtrusive, un-neighbourly and of poor design. Amendments were suggested but a suitable compromise could not be found and upon the recommendation that the application would be refused, the application was withdrawn by the applicant.

APP/16/00446 - Two storey rear extension., REF, 23/06/2016- In May the same amended design that was previously going to be refused was re-submitted by the applicant who felt, due to other examples within Esher Grove that the application was worth being reconsidered.

Amendments had been made to the proposal but it was considered that the design was still poor and due to the bulk of the development, the impact caused to residential amenity and that the eaves line was altered significantly by the proposed dormer that the application was refused. The refusal of the application started conversations around what could be done under permitted development (PD) and it was noted that if the eaves line was re-instated then the proposed dormer would meet the remaining criteria which would permit the development under PD rights and without the need to have planning permission.

3 Proposal

Application for Certificate of Lawfulness relating to proposed extension to roof dormer

on north east elevation.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

Havant Borough Design Guide Dec 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

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: 0

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) Order 2015.

The proposed alterations will be considered against Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 . The permitted development classes are written as to allow for all types of development described within the title of the Class unless the development would fall foul of the listed criteria. Therefore unless it is clear that a proposed development would fail to comply with the relevant criteria contained within a Class, the development should be held to constitute permitted development i.e. the default position is permitted development, not the need for planning permission

- 7.3 The proposal involves increasing the size of the rear dormer on the north east elevation and the development has been assessed against Schedule 2, Part 1, Class B.

- 7.4 **Under Schedule 2, Part 1, Class B:** The extension to the roof dormer on north east elevation.

Development is not permitted if:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use). No 26 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 dormer does not exceed this height.
- (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 development is proposed to the rear of the dwelling and would not front a highway.
- (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 dormer does not exceed 50 cubic metres.
- (e) it would consist of or include:
 - (i) the construction or provision of a veranda, balcony or raised platform. The development does not include the mentioned.
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe. The development does not include the mentioned.
- (f) the dwellinghouse is on article 2(3) land. The development is not located on article 2(3) land.

- 7.6 Class B also contains conditions within B2 that would prevent development being carried out under permitted development if the following criteria is not met:

- a) The materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The materials proposed will be matching.
- b) The enlargement must be constructed so that-
 - Other than in the case of a hip-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 and reinstated; and- The eaves line will be maintained and reinstated within the development proposal.
- 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- The position of the dormer is no less than 0.2m from the eaves line.
- c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-
 - obscure-glazed and
 - non-opening unless the parts of the window which can be opened are more than 1.7 metre above the floor of the room in which the window is installed. No windows are proposed to be installed within the side elevation.

- 7.7 A search of the planning history has not revealed conditions that restrict 'permitted development rights'.

8 **Conclusion**

It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the proposed extension to roof dormer on the north east elevation is considered to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 and accordingly the Certificate of Lawful Development can be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/16/00741 as follows:-

Havant Borough Council, as Local Planning Authority, certifies that on 21st July 2016 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted plan 'Location and Block Plan' Drawing No 204.E100_D is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed extension to the roof dormer on the north east elevation at 26 Esher Grove, Waterlooville, PO7 6XG is permitted development by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

First Schedule:

This certificate relates to the following development:

Proposed extension to the roof dormer on the north east elevation at 26 Esher Grove as shown on submitted drawings:

Proposed Ground Floor and First Floor Plan: Drawing No 204.P100_A
Proposed Roof and North-East Elevation Plan: Drawing No 204-P101_A
Proposed South-West and North-West Elevation Plan: Drawing No 204-P102_A
Proposed Section Plan: Drawing No 204.P103_A

Second Schedule:

This certificate relates to 26 Esher Grove, Waterlooville, PO7 6XG, as shown edged red on the submitted 1:500 and 1:1250 'Location and Block Plan' received on the 15th July 2016.