

1 Site Description

109 Hulbert Road, Havant, PO9 3TD. Detached two storey house in line of similar dwellings to the south side of Hulbert Road.

2 Planning History

APP/14/00837 - Application for Lawful Development Certificate relating to alterations to roof. refused January 2015 Appeal dismissed November 2015

APP/15/00094 - Application for Lawful Development Certificate relating to alterations to roof. refused March 2015 Appeal dismissed November 2015

APP/15/00733 - Application for Lawful Development Certificate relating to dormer in side roof. refused March 2015 Appeal dismissed November 2015

3 Proposal

3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed extension outlined in paragraph 3.2 is considered to be classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.2 Application for Lawful Development Certificate relating to dormer in side roof. (Third re-submission).

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

N/A

Havant Borough Local Plan (Allocations) July 2014

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Not Applicable

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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:1

Plans do not accurately reflect the extent of the proposal. The plans lack clarity.

Obscure glazing should be shown for both windows. Loss of privacy and daylight. The proposal would set an unacceptable precedent.

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 planning permission is required.

In the recent appeal decision the Planning Inspector concluded that the proposal did not fall to be considered within Class A and failed to meet all of the requirements of Class B aa) the eaves of the original roof are maintained or reinstated. Further more the inspector concluded that the plans did not have sufficient clarity and did not provide sufficient certainty that the requirements , limitations and conditions of the GPDO would be met. With this application clarification was sought from the applicants agent and a further set of annotated plans were submitted

7.2 The proposed additions should be considered against Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order (England) 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 Class B states that development is not permitted if:

(a) permission to use the dwelling house as a dwelling house has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
Not applicable in this instance

(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 proposal would not exceed 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 proposal is not on a principle elevation fronting 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 proposal would not exceed 50 Cubic metres

(e) it would consist of or 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; or
Not applicable in this instance

(f) the dwellinghouse is on article 2(3) land.
Not applicable in this instance

Conditions

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;
Matching materials are to be used.

(b) the enlargement must be constructed 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 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 original eaves height is to be maintained

The proposal is set in 0.2 metres from the eaves

(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.

The proposed windows are to be obscure glazed and will not have openings below 1.7 metres from the floor of the room into which they are to be installed.

8 Conclusion

The proposed development falls within permitted development tolerances as set out in Part 1, Class B of the The Town and Country Planning (General Permitted Development) Order 2015 and permitted development rights were not removed when the dwelling was originally permitted. As such the proposed development would not require planning permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Development** for application APP/15/01391 as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class B.

Havant Borough Council, as Local Planning Authority, certifies that on 16th December 2015 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 'Proposed plans and elevations' drawing no 04D would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed side dormer to provide additional roof space at 109 Hulbert Road, Havant, 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:

Extension of the line of the existing roof additional roof space, as shown on submitted drawing 'Proposed plans and elevations' drawing no.04D received 1st February 2016.

SECOND SCHEDULE:

109 Hulbert Road, Havant, PO9 3TD, as shown edged in red on submitted plan received 16th December 2016.