
Site Address:	86 Stakes Hill Road, Waterloooville, PO7 7LE		
Proposal:	Application for a Lawful Development Certificate relating to insertion of a side dormer.		
Application No:	APP/15/00665	Expiry Date:	07/08/2015
Applicant:	Mr P Crisp	Team:	Team 1
Agent:	Mr C Rutter	Case Officer:	Tina Pickup
Ward:	Stakes		

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

1 Site Description

The site relates to a detached chalet style dwelling located on the west side of Stakes Hill Road, situated within a line of similar properties. The properties are all set back from the road by approximately 10m where the front garden areas provide parking and turning. The application site is constructed of red brick with some cream painted render panels and timber cladding within the gables of the bay and dormer windows, and has a steeply pitched plain tiled roof.

The application site has already been extended in the past with a loft conversion including front dormer and single storey rear extension. The previous hip to gable extension, plus front dormer calculates at having added approximately 30.36 cubic metres to the original roofspace.

The site currently has a flat roofed, full width rear extension that extends out 3.4m from the two storey gable end. There is an original pitched roof detached garage located on the northern boundary with nos 84, set back within the plot such that its front elevation aligns with the rear of the single storey extension. On this side boundary with nos 84 there is a separation distance of 2.5m to a 1.8m high close boarded fence; whilst on the southern side there is a gap of 1.5m to the side boundary with nos 88, which comprises a 2m close boarded fence.

Both adjacent properties have been the subject of complex planning histories and have now implemented extensions which affects the context and setting of the site. The land is generally level.

2 Planning History

Of Application Site, no 86:

08/64181/000 - loft conversion including front dormer, single storey rear extension and roof over rear extension - Refused 24/209 - mass/bulk/position of full height doors & juliette balcony have overbearing impact + overlooking

09/64181/001 - revised application reducing rear extension by increasing hip, using dormer in rear gable & omitting juliette balcony - Permitted 13/5/09 (*NB/ What is built on site does not conform to this permission - rear gable not hip & dormer*)

APP/14/00409 - first floor rear extension and dormers to both side elevations - Refused 12/06/14 - overbearing & harm outlook; loss of daylight

Note - that the decision notice added an Informative advising that the proposed dormers in themselves constituted 'permitted development' under Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended, and could be implemented in isolation of the remainder of the proposal

Of Site to north, no 84:

13/00044 - single storey rear extension + porch - Permitted 24/9/12 (NB during course of application scheme was revised from larger, full height proposal)

13/00703 - as above - resubmitted original larger proposal - Refused 10/9/13 Appeal Dismissed 22/11/13 - Inspector noted: extension only 1m from boundary with No 82 & only 4m from habitable window in No 82s rear elevation - would diminish sunlight and daylight and outlook from No 82 would be harmed by large bulky extension so close to boundary.

13/01224 - Prior Notification of single storey extension 5m deep. Prior approval not required 2/1/14 & now implemented - design is a half way between the permission and the refusal within limits of new permitted development rights.

Of site to south, 88:

09/73991 - single storey rear extension - Permitted 19/11/09 - Implemented

APP/12/00723 - Loft conversion and velux windows - Permitted 24/9/12 - Implemented

3 Proposal

This is an Application for a Lawful Development Certificate for a proposed development, comprising one flat roofed dormer on the north-western side roof slope, measuring 2.5m wide, by 2.0m high and 4.9m long. It includes one small obscure glass, openable window in the side, positioned such that the cill height is above 1.7m from internal floor level.

At time of site visit (31/7/15) the dormer was under construction - it appeared as a wooden box, awaiting to be tile hung.

4 Policy Considerations

Not relevant - this is a legal determination only

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: 1

Summary: view from kitchen window is of an enormous wall that cuts out more light than extension proposed under APP/14/00409; original dormer was 3.15m wide x 1.9m high; proposed is 4.9 wide x 2m high with flat roof which increases bulk; an eyesore that can be seen from public highway

Comment: As an application for a Certificate of Lawful Development the merits of the case are not relevant; the application must be considered purely in whether the development meets the relevant criteria of the Town and Country Planning (General Permitted Development) Order 2015.

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.

7.3 The development has been assessed against Schedule 2, Part 1, Class B. The proposed dormer has a total volume of 12.25 cubic metres, which, together with the previous hip to gable conversion and front dormer (which total 30.36 cubic metres) gives a total of 42.61 cubic metres added to the original roof space. The window proposed in the side of the dormer would be fully obscured and would only be openable from the top where above 1.7m from finished floor level.

7.4 Therefore Under Class B the addition of the proposed dormer windows would meet the following tests:

(a) The dwellinghouse is an original dwelling, not granted by a change of use

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

(c) The dormer window would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling house 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 dormer 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

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

7.6 Class B also contains conditions at B2 and the plans submitted demonstrate that the conditions in B2 would be met i.e. matching materials, edge not less than 0.2m from the eaves, not beyond outside face of any external wall, side windows must be obscure glazed and non-opening unless above 1.7m high from internal floor level.

7.7 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.

8 Conclusion

- 8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the addition of the proposed flat roof dormer to the side 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 Executive Head of Planning and Economy be authorised to **Grant a Certificate of Lawful Development** for application APP/15/00665 as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 'Development within the curtilage of a dwelling house', Class B.

Havant Borough Council, as Local Planning Authority, certifies that on 12 June 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 'Design Drawing' drawing no. 1505-1836A 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 at 86 Stakes Hill Road, Waterlooville 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:

Insertion of a Side Dormer, as shown on submitted plan 'Design Drawing' drawing no. 1505-1836A received 12 June 2015.

SECOND SCHEDULE:

86 Stakes Hill Road, Waterlooville, PO7 7LE, as shown edged in red on submitted 1:1250 Site Location Plan.