
Site Address:	76 Sunnymeade Drive, Waterloooville, PO7 6BX		
Proposal:	Application for Lawful Development Certificate relating to proposed flat roof dormers to both side elevations.		
Application No:	APP/15/00093	Expiry Date:	24/03/2015
Applicant:	Mr Moth	Team:	Team 2
Agent:	Mr S Appelton	Case Officer:	Tina Pickup
	Thorns-Young Ltd		
Ward:	Hart Plain		

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

1 Site Description

The application site relates to an existing modest detached bungalow located on the south side of Sunnymeade Drive. The bungalow has a pitched roof, with gable front set back behind a lower double gable on the front elevation. The elevations are white painted render and there is an existing rooflight on the west roofslope that serves the loft space. The dwelling is set back from the highway by some 7m and the forecourt area is graveled providing parking for at least 2 cars, aswell as a drive that runs on the west side to a detached garage set back behind the rear elevation.

Whilst the area is characterised by bungalows, there is considerable variation in their design and heights - there is a mix of detached and semi's; a mix of hip and gable ends and some have dormers.

2 Planning History

88/51634/000 - erection of detached garage to rear Permitted 11/8/88

07/51634/001 - construction of garage on existing hardstanding to rear of property Permitted 26/6/2007

APP/14/0943 - Raising the roof of existing bungalow to convert loft space with one dormer on western elevation and two dormers on eastern elevation
Withdrawn 28/10/14

APP/14/01123 - Raising of the roof of existing bungalow to create additional loft space (revised application) Permitted 22/12/14
(Not implemented)

3 Proposal

This is an Application for a Lawful Development Certificate for a proposed development, comprising two flat roofed dormers, one on either side of the roof slope, each measuring 3.5m wide, by 2.2m high and 6m long.

4 Policy Considerations

Not relevant - this is a legal determination only

5 Statutory and Non Statutory Consultations

Legal Services - Looking at the DCLG Technical Guidance I agree that the north elevation is the principal elevation despite the front door being on the west elevation. As far as the chimney is concerned I also agree that 'alteration' could include its removal. Even if we are wrong on that point, I also think there may be an argument over whether removal of a chimney is 'development'.

I therefore consider that the Certificate should be granted.

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:

Number of site notices:

Statutory advertisement: Not applicable.

Number of representations received: **2** from same address - first letter was written prior to explanation of Lawful Development Certificate and relevant permitted development criteria

Summary: 1st letter - loss of light, dormers break 45 degree rule; will affect daylight to lounge window; previously noted that dormers bulky close proximity harmful to amenity

2nd letter - Technical Guidance Document states 'important for homeowners to understand how they can exercise their rights to carry out development while protecting the interests of their neighbours and the wider environment'; document uses phrases 'in most cases'. 'it will usually' requiring interpretation; note principle elevation usually faces highway and includes main entrance but in this case principle elevation does not face highway so permission should be required; aesthetically this development would appear as two storey tower with flat roof which does not match other dormers and would set precedent; property only 1.8m and will dwarf own property which is in breach of first statement above; north south elevation labels incorrect;

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 1995 as amended. Amended plans have been submitted correcting the annotation of the plans.

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 1995 (As

Amended). Of most relevance is Amendment No. 2 England October 2008 and Technical Guidance on Permitted Development for Householders released by the Department of Communities and Local Government in August 2010.

- 7.3 The development has been assessed against Part 1 Class B and G. The proposed dormers have a total volume of 46.2 cubic metres and there have been no other additions to the original dwelling. In this case, despite the fact the main entrance to the dwelling is on the side elevation, it is still considered that the north elevation facing the highway does constitute the principle elevation by virtue of the fact that it does contain the architectural features of a double gable front. Amended plans have been submitted clarifying that the windows would be fully obscured and would only be openable from the top where above 1.7m from finished floor level. The proposed dormers do necessitate the complete removal of the existing chimney, but it is considered that the definition of 'alteration' would include removal.
- 7.4 Therefore Under Class B the addition of the proposed dormer windows would meet the following tests:
- (a) The dormer windows would not exceed the height of the highest part of the existing roof
 - (b) The dormer windows would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling house and fronts a highway
 - (c) 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
 - (d) The dormers do 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 - *see below*
 - (iii) the application site is not on article 1(5) land
- 7.5 With respect to the chimney the technical guide specifically states that works to chimneys are not permitted under Class B but may be permitted under Class G. In turn Class G refers to the installation, alteration or replacement of a chimney. Since the GDPO is a permissive order it has been accepted in past cases that 'alteration' includes 'removal and therefore the removal of this chimney is permitted under Class G.
- 7.6 Class B also contains conditions at B2 and the amended plans submitted demonstrate that the conditions in B2 would be met.
- 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
- 7.8 The details of the case have been considered by the Solicitor to the Council who agrees with the above interpretation and it is therefore considered that the proposed flat roof dormers to both side elevations would meet the requirements of Part 1 Class B and G.

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 dormers to both side elevations is considered to be permitted development under the Town and Country

Planning (General Permitted Development) (Amendment) (England) Order 2008, Part 1 'Development within the curtilage of a dwelling house' and accordingly the Certificate of Lawful Development can be issued.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to Grant a Certificate of Lawful Development for application APP/14/00610 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.
- b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof, shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be-
 - (i) obscure glazed, and
 - (i) 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.