
Site Address:	47 Elmleigh Road, Havant, PO9 2AB		
Proposal:	Certificate of Lawful Development for proposed loft conversion.		
Application No:	APP/14/00941	Expiry Date:	20/11/2014
Applicant:	Mr K Longstaff	Team:	Team 1
Agent:	Mr M Holman	Case Officer:	Stephen Andrews
	Holman Reading Partnership		
Ward:	St Faiths		

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

1 Site Description

- 1.1 47 Elmleigh Road is a two storey semi-detached dwelling of brick construction with hipped plain tiled roof. There is on-site parking to the front and side with single storey rear extension and link to the rear garage. There were additional detached timber structures in the rear garden.

2 Planning History

None relevant to this application

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed loft conversion and rear facing dormer is considered to be classed as permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

4 Legislation

- 4.1 Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

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: 5

Number of site notices: 0

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) (Amendment) (England) Order 2013 and Technical Guidance on Permitted Development for Householders released by the Department of Communities and Local Government in April 2014.

7.3 The development has been assessed against Schedule 2, Part 1 Classes B and C. Class B allows the enlargement of a dwellinghouse consisting of an addition to its roof.

7.4 **Development not permitted**

(za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of the Schedule (changes of use); **It has not**

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; **It would not**

(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway; **It would not**

(c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres - **It would not**

(d) 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

(e) the dwellinghouse is on Article 1 (5) land. **The proposal does not conflict with any of the criteria in d and e**

7.5 Under the Conditions of Class B, the proposal meets the following tests:

(za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of the Schedule (changes of use); **It has not**

(a) The agent has shown on submitted plan 8408 10 Rev.A that the proposed materials are to appear similar to that of the existing dwelling

(b) The edge of the enlargement closest to the eaves of the original roof is greater than 20cm from the eaves of the original roof

(c) Windows are not located to the side.

7.6 It is therefore considered that the rear dormer and loft conversion would meet the requirements of Schedule 2, Part 1, Class B of the GPDO.

7.7 Under Class C the front facing rooflight meet the following tests:

(za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of the Schedule (changes of use); **It has not**

(a) The rooflight would not protrude more than 150mm beyond the plane of the original

roof slope

(b) The rooflight would not be higher than the highest part of the original roof

(ci) The works do not include the installation, alteration or replacement of a chimney, flue soil or vent pipe

(cii) The works would not include solar photovoltaics or solar thermal equipment.

7.8 Under the Conditions of Class C, the proposal meets the following test:

The window is not located to the side

7.9 It is therefore considered that the front rooflights would meet the requirements of Schedule 2, Part 1, Class C of the GPDO.

7.10 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**

The proposal, as shown in the submitted plans, is development permitted under Article 3 and Schedule 2, Part 1, Classes A and B (development within the curtilage of a dwellinghouse - the enlargement, of a dwellinghouse consisting of an addition or alteration to its roof and any other alteration to the roof of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Development** for application APP/14/00941 as set out in Article 3 and Schedule 2, Part 1, Classes A and B (development within the curtilage of a dwellinghouse - the enlargement, of a dwellinghouse consisting of an addition or alteration to its roof and any other alteration to the roof of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Havant Borough Council, as Local Planning Authority, certifies that on 20 November 2014 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 Location Plan (1:1250) and Block Plan (1:500) drawing no. 8408 10 Rev.A received 5 November 2014 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 rear dormer window and two roof lights in the front facing roof slope within the curtilage of 47 Elmleigh Road, Havant, PO9 2AB is permitted development by virtue of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

FIRST SCHEDULE:

This certificate relates to the following development:

Rear dormer window and two roof lights in the front facing roof slope
Drawing - 8408 10 Rev.A received 5 November 2014.

SECOND SCHEDULE:

47 Elmleigh Road, Havant, PO9 2AB, as shown edged in red on submitted plan
Drawing - 8408 10 Rev.A received 5 November 2014