
Site Address:	7 Victoria Road, Emsworth, PO10 7NH		
Proposal:	Application for Lawful Development Certificate relating to proposed dormers in side elevation.		
Application No:	APP/14/00610	Expiry Date:	06/08/2014
Applicant:	Mr Young	Team:	Team 2
Agent:	Mr Bessant	Case Officer:	Bee Crawford
	JB Architecture		
Ward:	Emsworth		

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

1 Site Description

- 1.1 The application site is a two storey detached older style property with a red tiled pitched roof and front canopy, and has elevations of red multi-brick at ground floor, pebble dash and render at first floor and tile hanging to the gable ends to front and rear. The site is level, although the road undulates in both directions. The front forecourt has a dwarf wall and low shrubs to the southern boundary, a 1.5 metre high wall to the eastern boundary and a dwarf wall rising to 1.5 metres high to the western boundary which adjoins a path providing access to the rear garden. The rear garden has a depth in excess of 25 metres, is mainly laid to lawn with borders and is enclosed by a 1.8 metre high wall to the northern and eastern boundaries and a 1.8 metre high fence to the western boundary.
- 1.2 There is a two storey detached older style property of a similar age and design to the west of the site and a pair of two storey semi-detached properties currently under construction to the east. Opposite the site are two storey semi-detached properties and Emsworth railway station lies to the rear. The surrounding area is of medium density consisting of a mixture of 2 storey detached and semi-detached terraced properties of varying design, style and age range.

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 dormer windows to the eastern roof slope of the property to be classed as permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, which is an amendment to the Town and Country Planning (General Permitted Development) Order 1995.

4 Legislation

Town and Country Planning (General Permitted Development) (Amendment) (England) Order No. 2 brought into effect on 1 October 2008, which is an amendment to the Town and Country Planning (General Permitted

Development) Order 1995.

5 Statutory and Non Statutory Consultations

None required.

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: 4

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 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.

7.4 Under Class B the addition of two dormer windows to the eastern roof slope of the property meets 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 dwellinghouse 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

(e) The application site is not on article 1(5) land

7.5 B2 - The plans submitted demonstrate that the conditions in B2 would be met.

7.6 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.

It is therefore considered that the addition of two dormer windows to the eastern roof slope of the property would meet the requirements of Part 1 Class B.

8 Conclusion

8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the addition of two dormer windows to the eastern roof slope of the property are considered to be classed as permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, Part 1 'Development within the curtilage of a dwellinghouse', Class B.1.

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 condition (a) as set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, Part 1 'Development within the curtilage of a dwelling house', Class B.2.

- 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
 - (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.