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Planning Department
Civic Offices
Havant
Hants
PO9 2AX

CHARTERED TOWN PLANNER

Friday, 10 July 2015

Dear Sir/Madam:

Re: Dormer in side plane of roof

109 Hulbert Road, Havant, PO9 3TD

This is an application for a Certificate of Lawfulness for Proposed Alterations to the roof of the above property.

This application is a second resubmission of application APP/14/00837 which was specifically for a hip to gable enlargement. That application was refused on the basis of the LPAs opinion that the works fell within Class A and not Class B. I strongly refute this view.

This amended application has been submitted on a 'Without Prejudice' basis and addresses two specific points within Class B with regard to roof enlargements which are not a hip-to-gable enlargement. It ensures that the side eaves of the existing side plane of the side roof is retained to the front and rear.

It remains my submission that the works comprise permitted development within Part1, Class B of the GPDO, as amended.

Class B provides that the enlargement of a dwellinghouse consisting of an addition or alteration to its roof constitutes permitted development provided that:

B1:

- (a) any part of the dwellinghouse would, as a result of the works, does not exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, does 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—

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- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case;
- (d) it would not 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 not on article 1(5) land.

These permitted development rights are 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) the enlargement shall 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 shall, so far as practicable, be not less than 20 centimetres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse;
- (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.

In addition, the interpretation of Class B is as follows:

B2:

- For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.
- For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

Assessment

In respect of these various criteria I can confirm the following facts:

- The works involve an alteration to the catslide roof of the existing dwelling;
- The works are the erection of a dormer into the side roof, leaving parts of the roof to all four sides of the proposed dormer. The works therefore clearly fall within Class B and are not a Class A development.
- The works do not exceed the highest part of the roof;
- They do not affect a roof plane facing the road;
- The cubic content of the works is below 50 cubic metres;
- There is no veranda or other feature excluded by part (d);
- The dwelling is not on Article 1(5) land;
- The materials will match the existing;
- In the case of B.2 (b) (i) limitation the eaves are maintained and the edge of the enlargement closest to the eaves is set back 20cm from the eaves and takes into account the recent High Court judgement of *Waltham Forest LBC v Secretary of State for Communities and Local Government* on 18 June 2013;
- In the case of B.2(b)(ii) the works do not extend beyond the outside face of any external wall;
- The windows to be inserted in the wall or roof slope forming the side elevation are obscure glazed and non-opening below 1700 above finished floor level.

For these reasons I submit that the proposed works are permitted development and a certificate of lawfulness should therefore be issued.

Yours sincerely,



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