
Site Address: 7 Sandy Point Road, Hayling Island, PO11 9RP
Proposal: Application for Certificate of Lawful proposed development to extend the line of the existing roof (hip to gable end conversion) to provide additional roof space.
Application No: APP/13/01030
Applicant: Mr J Martin
Agent: Mr A Brown
Ward: Hayling East
Expiry Date: 13/12/2013
Team: Team 1
Case Officer: Heather Lealan
Dwell Design Ltd

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

1 Site Description

No. 7 Sandy Point Road is a detached property located in a residential road in Hayling Island. The property has already been extended by means of a single dormer window creating living accommodation within the roof space.

2 Planning History

None relevant

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed extension outlined in paragraph 3.2 is considered 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.
- 3.2 Extend the line of the existing roof (hip to gable end conversion) to provide additional roof space.
- 3.3 The dimensions proposed are 3m in height, with an depth of 4m and a width of 7.5m. Resulting in an additional volume of 15m³.

4 Policy Considerations

National Policies

N/A

Core Strategies 2011 forming part of the HBLDF

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

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: N/A

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 planning permission is required

7.2 The proposed additions should be considered against Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The permitted development classes are written as to allow for all types of development described within the title of the Class unless the development would fall foul of the listed criteria. Therefore unless it is clear that a proposed development would fail to comply with the relevant criteria contained within a Class, the development should be held to constitute permitted development i.e. the default position is permitted development, not the need for planning permission.

7.3 Class B states that development is not permitted if:

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(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 principal elevation of the dwellinghouse and fronts a highway;

(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case;

(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.

Conditions

Development is permitted by Class B 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
 - (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.

8 Conclusion

The proposed development falls within permitted development tolerances as set out in Part 1, Class B of the The Town and Country Planning (General Permitted Development) Order 2008 (As Amended) and permitted development rights were not removed when the dwelling was originally permitted. As such the proposed development would not require planning permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Development** for application APP/13/01030 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.

Havant Borough Council, as Local Planning Authority, certifies that on 18 October 2013 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 'Proposed plans and elevations' drawing no. 13023-01 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 extension of the line of the existing roof (hip to gable end conversion) to provide additional roof space at 7 Sandy Point Road, Hayling island is permitted development by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the No. 2(England) Order 2008.

FIRST SCHEDULE:

This certificate relates to the following development:

Extension of the line of the existing roof (hip to gable end conversion) to provide additional roof space, as shown on submitted drawing 'Proposed plans and elevations' drawing no. 13023-01 received 17 October 2013.

SECOND SCHEDULE:

7 Sandy Point Road, Hayling Island, PO11 9RP, as shown edged in red on submitted plan
'Proposed plans and elevations' drawing no. 13023-01