

## DELEGATED OFFICER REPORT

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|-------------------|-------------------------------------------------------------------------------------------------------|---------------|------------------------------|
| Site Address:     | 39 Stockheath Way, Havant, PO9 2DS                                                                    |               |                              |
| Proposal:         | Certificate of lawfulness for insertion of rear dormer window and 2No roof lights in front roof slope |               |                              |
| Application Type: | Certificate of Lawfulness                                                                             |               |                              |
| Application No:   | APP/25/00565                                                                                          | Expiry Date:  | 26 <sup>th</sup> August 2025 |
| Applicant:        | Mr Myhill                                                                                             |               |                              |
| Agent:            | Mr Andrews                                                                                            | Case Officer: | Richard Hawkey               |
| Ward:             | Battins Ward                                                                                          |               |                              |

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

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### **1 Site Description**

- 1.1 Number 39 Stockheath Way, Havant is an end of terrace two storey dwelling located on the west side of Stockheath Way. The area is residential in character with relatively high density development.

### **2 Planning History**

None.

### **3 Proposal**

A Certificate of Lawful Use is sought for the insertion of a rear dormer window and two roof lights in the front roof slope.

### **4 Policy Considerations**

The Town and Country Planning (General Permitted Development) (England) Order 2015.

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

### **5 Statutory and Non Statutory Consultations**

**Councillor Jason Horton**

No comments received.

**Councillor Munazza Faiz**

No comments received

**Councillor Sharon Collings**

No comments received

### **6 Community Involvement**

Not required for a Certificate of Lawful Development.

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

## **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 is:

(i) Principle of development

7.2 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 The development has been assessed against Schedule 2, Part 1; Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A search of the planning history has not revealed any conditions that restrict permitted development rights.

7.4 Under Schedule 2, Part 1, Class B the proposed rear dormer meets the following tests:

B.1 Development is not permitted by Class B if –

**(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use).**

This is not applicable to the proposed development.

**(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.**

The proposed development would not exceed the height of the highest part of the existing roof.

**(c) 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.**

The proposed dormer would be to the rear of the property and therefore would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and does not front a highway.

**(d) 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**

**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.**

The existing dwellinghouse is a terraced house so criterion (d)(i) applies. The proposed development would result in approximately 24.6 cubic metres of resulting roof space over and above that of the original roof space. This is less than the 40 cubic metre limit.

**(e) It would consist of or include:**

- (i) The construction or provision of a verandah, balcony or raised platform, or**
- (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe**

The proposed development would not include any of the above.

**(f) The dwellinghouse is on article 2(3) land**

The site is not on Article 2(3) land.

**(g) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)**

Not applicable in this application.

**(h) The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)**

Not applicable in this application.

## **Conditions**

**B.2 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**

The applicant has confirmed in writing that the external materials for the proposed dormer will match those of the existing dwelling.

**(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 0.2 metres 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**

The applicant has provided a Section Drawing (Draw.No. 6) where this measurement is shown to demonstrate that the proposal complies with this requirement.

**(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**

There are no proposed side facing windows proposed.

- 7.5 Under Schedule 2, Part 1, Class C the two proposed roof lights on the front facing roofslope meet the following tests:

**C.1 Development is not permitted by Class C if:**

**(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)**

This is not applicable to the proposed development.

**(b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.**

The proposed roof lights would not protrude more than 0.15 metres beyond the plane of the slope of the original roof.

**(c) It would result in the highest part of the alteration being higher than the highest part of the original roof; or**

The proposed roof lights would not exceed the highest part of the original roof.

**(d) It would consist of or include:**

**(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment**

The proposed development would not comprise any of the above.

**Conditions**

**C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be:**

**(a) Obscure-glazed; and**

**(b) 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**

This does not apply in this case as there are no proposed side facing windows.

**8 Conclusion**

- 8.1 The proposed development falls within permitted development regulations as set out in **Schedule 2, Part 1; Class B and Class C** of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate **can** be issued.
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## **9 RECOMMENDATION:**

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/25/00565 subject to the following conditions

### **FIRST SCHEDULE:**

This certificate relates to the following development: Certificate of proposed lawful development relating to the insertion of a rear dormer and two roof lights in the front roof slope as described in the written particulars and other documents submitted with your application received on 1<sup>st</sup> July 2025.

### **SECOND SCHEDULE:**

This certificate relates to land at 39 Stockheath Way, Havant. PO9 2DS as shown edged red on the submitted Location Plan (contained on Draw.No. 1) received 1<sup>st</sup> July 2025.

### **OTHER IMPORTANT INFORMATION:**

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision