DELEGATED OFFICER REPORT

PROPOSAL	**Application for Lawful Development Certificate relating to loft conversion and rear dormer with side elevation window and rooflights – materials to match existing.**
LOCATION:	102 Bosmere Gardens, Emsworth, PO10 7NR
REFERENCE NO:	APP/25/00693
APPLICANT:	Mr & Mrs Atkins
APPLICATION TYPE:	Lawful development: Proposed use

CONSULTATION EXPIRY DATE:

APPLICATION EXPIRY DATE: 12/11/2025

WARD: Emsworth

SUMMARY RECOMMENDATION: Grant a certificate of Lawful Development

1 Site Description

This application site comprises a semi detached dwellinghouse located on the east side of Bosmere Gardens. This property is brick built with a tiled, pitched roof. There is an extension to the side elevation and porch to the front elevation.

2 Planning History

02/59693/001 Full Planning Permission Construction of two storey side extension to the north elevation and porch to the front (west) elevation

09/59693/002 Full Planning Permission for the erection of a porch to the front of the

3 Proposal

Application for Lawful Development Certificate relating to loft conversion and rear dormer with side elevation window and rooflights – materials to match existing.

This is a Section 192 application for a Lawful Development Certificate to establish whether the proposed loft conversion with rear dormer and front rooflights is classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

4 Legislation

4.1 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

5 Statutory and Non Statutory Consultations

5.1 No consultees required for this application.

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development.

Number of neighbour notification letters sent: 0

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) (England) Order 2015.

7.3 The development has been assessed against Schedule 2, Part 1, Classes B and C.

7.4 Class B is relevant for the proposed rear dormer, which under Class B1 meets the following tests:

(a) The property has not been granted permission to use the dwellinghouse as a dwellinghouse only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
(c) No 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;
(d) 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;
(e) The proposal does 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 2(3) land

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; or

(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).

7.5 B2 conditions:

(a) The materials to be used are to match those used on the original dwellinghouse - tile hanging to match roof tiles

(b) the eaves of the original roof are maintained; and there would be more than 200mm from the eaves to the dormer measured along the roof slope; and no part extends beyond the outside face of any external wall of the original dwelling

(c) There would be a side window however it would be obscure glazed and non-opening up to 1.7 metres above finished floor level.

7.6 Class C is relevant for the proposed front rooflights, which under Class C1 meets the following tests:

(a) The property has not been granted permission to use the dwellinghouse as a dwellinghouse only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) The rooflights are stated as not protruding more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) No part of the alteration would be higher than the highest part of the original roof;

(d) (i) there is no installation, alteration or replacement of a chimney, flue or soil and vent pipe

(ii) there would be no installation, alteration or replacement of solar photovoltaics or solar thermal equipment;

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). N/A

7.7 C2 conditions relate to side windows and it is deemed these conditions have been met.

7.8 There is no planning history showing that there are any conditions in place restricting permitted development rights on this property.

8 Conclusion

8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the addition of the proposed flat roof dormer to the rear roof slope, side window and rooflights in the front roof slope are considered to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 and accordingly the Certificate of Lawful Development can be issued.

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9 RECOMMENDATION:

That the Development Manager be authorised to **Grant a Certificate of Lawful Development** for application APP/25/00693 as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes B and C.

Havant Borough Council, as Local Planning Authority, certifies that on 17/09/2025 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 drawing no P_03 dated 08/2025 would have been lawful within the meaning of section 192 of the of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed loft conversion and rear dormer with side elevation window and rooflights at 102 Bosmere Gardens, Emsworth, PO10 7NR Havant is permitted development by virtue of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate relating to loft conversion and rear dormer with side elevation window and rooflights – materials to match existing as specified on the following plans:

Location Plan drawing no. P_03 dated 08/2025

Proposed floor and roof plan drawing no P_01 dated 08/2025

Proposed Elevations plan drawing no. P_02A dated 08/25 received 05/11/2025

SECOND SCHEDULE:

102 Bosmere Gardens, Emsworth, PO10 7NR as shown edged in red on submitted 1:1250 Location Plan, drawing no. P_03 dated 08/2025

OTHER IMPORTANT INFORMATION:

(1) This Certificate is issued solely for the purpose of Section 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 section 172 of the 1990 Act on 14 May 2018

(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.