# DELEGATED OFFICER REPORT

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**Site Address:** Merriemede, Riders Lane, Havant, PO9 3BJ
**Proposal:** Application for Lawful Development Certificate relating to proposed double hip-to-gable and rear dormer less than 50m3 above original house
**Application Type:** Certificate of Proposed Lawful Development
**Application No:** APP/26/00185 **Expiry Date:** 11 May 2026
**Applicant:** Jo Devine
**Agent:** Mr Steve Walker **Case Officer:** Denise Sheath
**Ward:** Leigh Park Central & West Leigh Ward

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

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## 1 Site Description

1.1 Merriemede, Riders Lane, Havant, PO9 3BJ

## 2 Planning History

APP/22/01130 - Outbuilding to house indoor swimming pool. – Permit 11 August 2023

APP/24/00192 - Loft conversion with rear dormer and the addition of front gables, raising the ridge height of the roof. – Refuse 19 June 2024

## 3 Proposal

Application for Lawful Development Certificate relating to proposed double hip-to-gable and rear dormer less than 50m3 above original house

## 4 Policy Considerations

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

## 5 Statutory and Non Statutory Consultations

Not required

## 6 Community Involvement

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

## 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
(f) The application site is not on article 2(3) land
(g) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses) or
(h) The existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

7.5 B2 The materials to be used are to match those used on the original dwellinghouse as shown on the submitted plans.

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, 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 not built under Part 20 of this Schedule (construction of new dwellinghouses).

7.7 C2 conditions relate to side windows, and none are proposed.

7.8 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.

## 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 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 (as amended) 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 USE** for application APP/26/00185

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Havant Borough Council, as Local Planning Authority, certifies that on 01 April the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan Drawing No. P0 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 development falls within permitted development allowance as set out in Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**FIRST SCHEDULE:**

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to proposed double hip-to-gable and rear dormer less than 50m3 above original house. As described in the written particulars, plans and other documents submitted with your application received on 16 March 2026, 01 April 2026 and 21 April 2026.

**SECOND SCHEDULE:**

This certificate relates to land at Merriemede, Riders Lane, Havant, PO9 3BJ as shown edged red on the submitted Location Plan received 01 April 2026.

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**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. 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 Secretary of State for Housing, Communities and Local Government , if you are aggrieved by the Council's decision.