

DELEGATED OFFICER REPORT

PROPOSAL	Lawful Development Certificate for the proposed removal of a rear conservatory extension with timber framed windows and door. Alterations to doors and windows including the installation of rear bi-folding doors.
LOCATION:	15 London Road, Waterlooville, PO7 7AL
REFERENCE NO:	APP/26/00498
APPLICANT:	Mrs Hannah Salway-Ramirez
APPLICATION TYPE:	Lawful development: Proposed use
CONSULTATION EXPIRY DATE:	03/08/2026
APPLICATION EXPIRY DATE:	03/09/2026
WARD:	Waterloo
SUMMARY RECOMMENDATION:	Grant a Lawful Development Certificate

1 **Site Description**

The application site comprises of a two storey end of terrace property located in Waterlooville. The property features brickwork for the external walls and brown concrete tiles for the roof.

2 **Planning History**

Is there any planning history relevant to the current application?

Yes

31314 - Erection of single storey rear kitchen extension – Approved 26th July 1983

04/69931/000 - Application for shared vehicular access to London Road and off road parking facility – Approved 03 December 2004

3 **Proposal**

Lawful Development Certificate for the proposed removal of a rear conservatory extension with timber framed windows and door.

Alterations to doors and windows including the installation of rear bi-folding doors.

4 **Legal Considerations**

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

5 Statutory and Non Statutory Consultations

- 5.1 Not required for a Certificate of Lawfulness.

6 Community Involvement

- 6.1 Not required for a Certificate of Lawfulness.

7 Legal Considerations

- 7.1 The proposal is seeking a legal determination as to whether the proposed removal of a rear conservatory extension with timber framed windows and door.

Alterations to doors and windows including the installation of rear bi-folding doors would comprise permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 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 **Class A**.

- 7.4 The proposed removal of the rear conservatory extension has been assessed and has been considered to be an alteration to the dwellinghouse under Class A of the GDPO (General Permitted Development) (England) Order 2015 (as amended) and the assessment of this element of the works is below:

Removal of rear conservatory extension and alterations to fenestration/materials to facilitate the works.

Development is not permitted by Class A if—

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **(not relevant)**
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **(accords the area of ground covered by buildings would decrease)**
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **(accords, this is for the removal of a single storey conservatory)**
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **(accords, as the dwelling is not being enlarged)**
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—
 - (i) forms the principal elevation of the original dwellinghouse; or (would not)
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse; **(accords, as the dwelling is not being enlarged)**

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height; **(this is for the removal of a single storey conservatory so the proposal accords with (f) (i) and (ii))**
- (g) , for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (accords as the extension would feature an approximate 2.15 metre depth)
 - (ii) exceed 4 metres in height; (accords as the proposed extension would feature an approximate maximum 3.5 metre height) **(Accords with (g) (i) and (ii) as the dwelling is not proposed to be enlarged)**
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse; **((h) (i) and (ii) are not relevant as this is for the removal of a single storey conservatory)**
- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; **(this is not relevant as the dwelling is not proposed to be enlarged)**
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height, (the extension would extend beyond an existing side wall (the rear bay window which is proposed to be removed but would feature a maximum approximate 3.5 metre height so it accords)
 - (ii) have more than a single storey, or (accords the proposal is single storey)
 - (iii) have a width greater than half the width of the original dwellinghouse; (accords the extension would feature a width less than half the width of the original dwellinghouse) **(accords with (j) (i), (ii) and (iii) as the proposal does not comprise an enlargement of the dwelling)**
- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j); **(accords)**
- (k) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, **there would be a rear patio to the rear of the dwelling to replace the conservatory, however the patio is measured at approximately 19cm, which would comprise permitted development and would not comprise a raised platform**
 - (ii) the installation, alteration or replacement of a microwave antenna, **(not relevant)**
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or **(not relevant)**
 - (iv) an alteration to any part of the roof of the dwellinghouse **(not relevant).; or**

- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **(not relevant)**
- A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—
- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
 - (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
 - (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
 - (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c). **(A.2 is not relevant as the application site is not located on article 2(3) land)**

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **(accords, the brickwork is annotated to match the existing fenestration and the replacement windows/ bifold doors are annotated on the plans to feature the same colour as the existing fenestration and is therefore considered by officers to be similar in appearance)**
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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; and **(accords with (b) (i) and (ii) as the proposal does not comprise any additional upper floor windows)**
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. **(A.3 (b) (i), (ii) and (c) are met as the proposal is for the removal of a single storey conservatory)**

There is no condition removing permitted development rights, nor is the site the subject of an Article 4 Direction.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in **Class A** of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate **can** be issued.

9 RECOMMENDATION:

That the Interim Head of Planning be authorised to **Grant a Lawful Development Certificate** for application APP/26/00498

FIRST SCHEDULE:

This certificate relates to the following development:

Lawful Development Certificate for the proposed removal of a rear conservatory extension with timber framed windows and door.

Alterations to doors and windows including the installation of rear bi-folding doors. as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This certificate relates to land at 15 London Road, Waterloooville, PO7 7AL as shown edged red on the submitted Location Plan.

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 use/development specified in the First Schedule taking place on land described in the Second Schedule would be 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 be liable to enforcement action under part 7 of the 1990 Act.
- (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 Secretary of State if you are aggrieved by the Council's decision.

