DELEGATED OFFICER REPORT

Site Address: 1A St Hermans Road, Hayling Island, PO11 9NA
Proposal: Application for lawful development certificate for proposed hip to gable loft extension; rear dormer and 2no. rooflights to front roof slope.
Application Type: Certificate of Proposed Lawful Development
Application No: APP/26/00509 **Expiry Date:** 08 September 2026
Applicant: Hiten Patel
Agent: Anuj Bhatt **Case Officer:** Denise Sheath
Ward: Hayling East

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

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1 Site Description

1.1 1A St Hermans Road, Hayling Island, PO11 9NA

2 Planning History

APP/26/00510 - Single storey infill front extension

3 Proposal

Application for lawful development certificate for proposed hip to gable loft extension; rear dormer and 2no. rooflights to front roof slope.

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 conversion of roof space into habitable room including rear roof 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

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).

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

7.10 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 proposed hip to gable loft extension; rear dormer and 2no. rooflights to 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 Head of Planning & Growth be authorised to **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT** for application APP/26/00509

Havant Borough Council, as Local Planning Authority, certifies that on 13 July 2026 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 submitted within the Existing Plans and Elevations Plan - Drawing No. 2026/120 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 the proposed hip to gable loft extension; rear dormer and 2no. rooflights to front roof slope. As described in the written particulars, plans and other documents submitted with your application received on 13 July 2026.

SECOND SCHEDULE:

This certificate relates to land at 1A St Hermans Road, Hayling Island, PO11 9NA as shown edged red on the submitted Location Plan received 13 July 2026.

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 01329 824823.

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 Ministry of Housing, Communities and Local Government, if you are aggrieved by the Council's decision.