

DELEGATED OFFICER REPORT

PROPOSAL	Application for Lawful Development Certificate for proposed conversion of roof space into habitable room including rooflight windows.
LOCATION:	9 Sandy Brow, Waterloooville, PO7 5JP
REFERENCE NO:	APP/26/00548
APPLICANT:	Miss Lara Rushton
APPLICATION TYPE:	Lawful development: Proposed use
CONSULTATION EXPIRY DATE:	
APPLICATION EXPIRY DATE:	29/09/2026
WARD:	Purbrook
SUMMARY RECOMMENDATION: GRANT A CERTIFICATE OF LAWFUL USE	

1 Site Description

9 Sandy Brow, Waterloooville, PO7 5JP

2 Planning History

Is there any planning history relevant to the current application?

No

3 Proposal

Application for Lawful Development Certificate for proposed conversion of roof space into habitable room including rooflight windows.

4 Policy 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 conversion of roof space into habitable room including rooflight windows is permitted 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 **Class C** – other alterations to the roof of a dwellinghouse.
- 7.4 Under **Class C the proposal meets** the following tests:

Development not permitted

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **(Not relevant)**
- (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 rooflights are measured at approximately 10cm so would accord)**
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; **(Would not)**
- (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; or **(d (i) and (ii) are not relevant)**
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **(Not relevant)**

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 must 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. **(Conditions are met as the proposal is for front and rear rooflight windows)**
- 7.5 A search of the planning history has not revealed any conditions that restrict 'permitted development' rights, nor is the dwelling part of an Article 4 direction.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in **Class C** 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 Head of Planning and Growth be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/26/00548

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate for proposed conversion of roof space into habitable room including rooflight windows as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This certificate relates to land at 9 Sandy Brow, Waterloooville, PO7 5JP 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 01329 824823.
- (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.

