



Certificate of Lawful Development Statement

Brightwood, 85 Hocombe Road, Chandler's Ford, Eastleigh, SO53 5QB

01 November 2023

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1 INTRODUCTION

INTRODUCTION

- 1.1 This Certificate of Lawful Development statement has been prepared by Wessex Planning Ltd on behalf of Mr and Mrs R Bright in support of the installation of roof light and roof lantern at Brightwood, 85 Hocombe Road, Chandler's Ford, Eastleigh, SO53 5QB, under the General Permitted Development Order.
- 1.2 This statement follows the construction of the replacement dwelling granted planning permission by the Local Planning Authority (LPA) on 1st June 2021 (application reference F/21/90256).
- 1.3 The submission includes the following:
 - As Approved Elevations/Roof Plan
 - As Proposed Elevations/Roof Plan
 - Section Plan

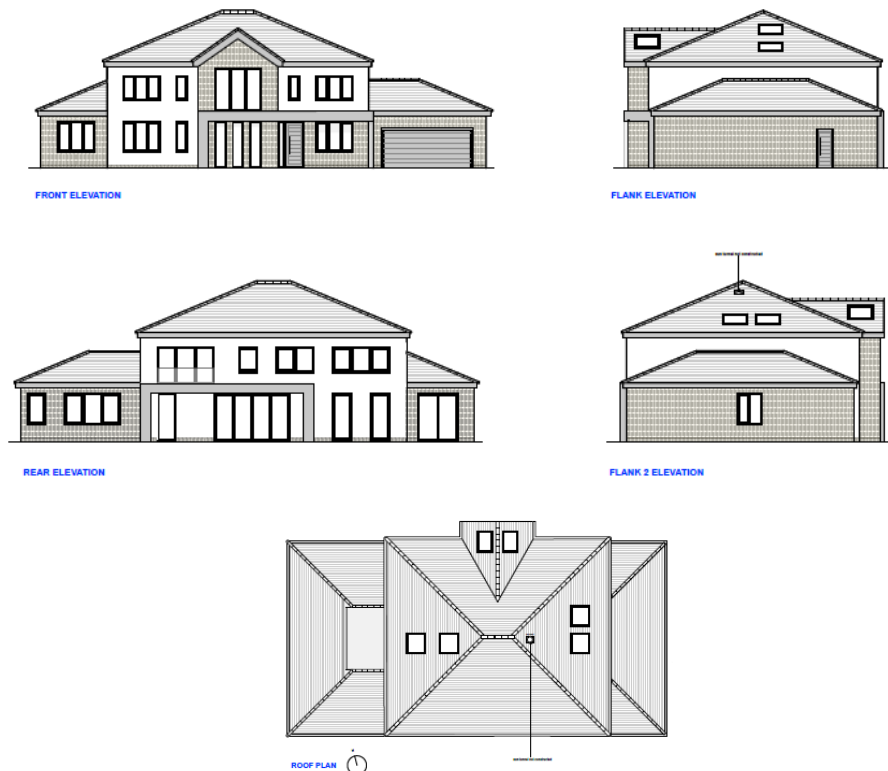
2 PROPOSAL

PROPOSAL

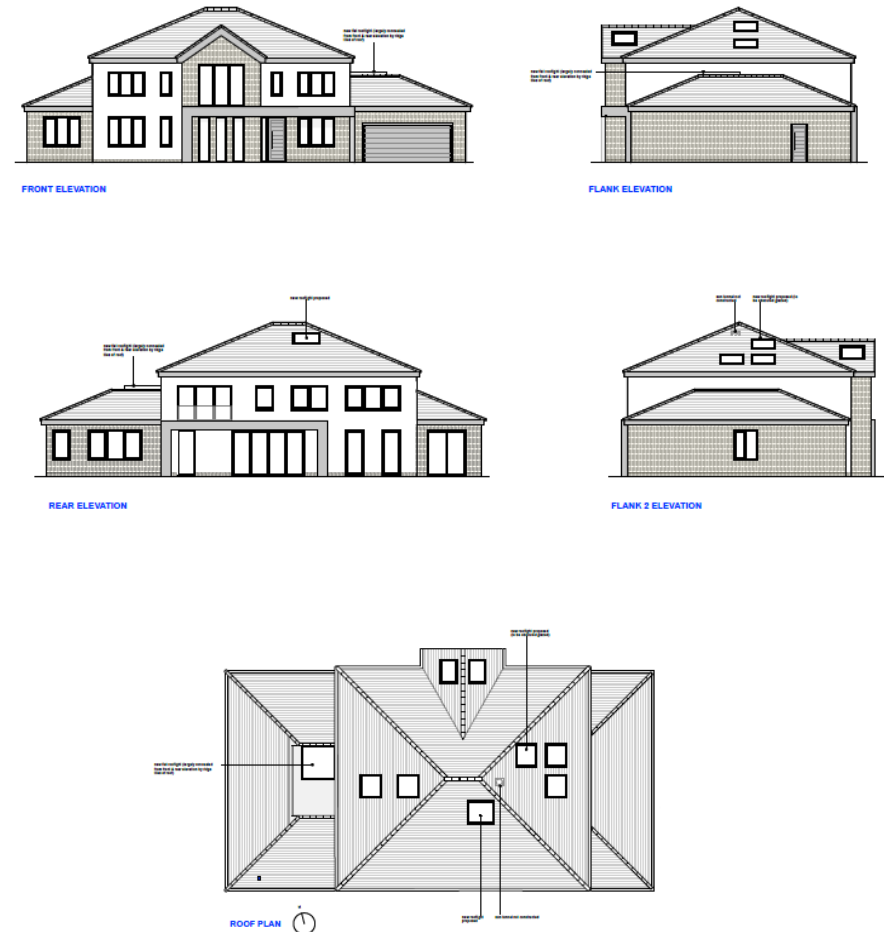
2.1 The proposals are for the installation of;

- One roof light within the rear (south) elevation of the pitched roof of the dwelling
- One, obscure-glazed, roof light within the side (east) elevation of the pitched roof of the dwelling.
- One roof lantern within the flat roof of the side (west) elevation of the dwelling.

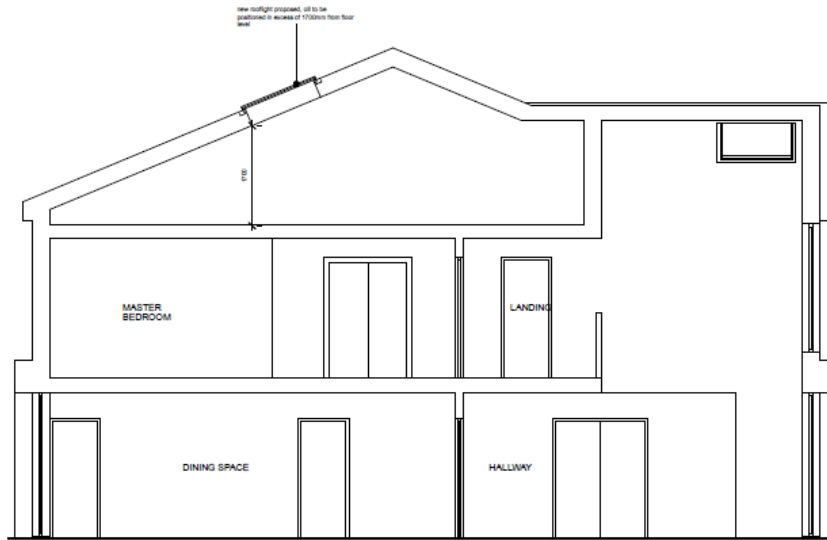
2.2 The approved plans permitted under planning permission F/21/90256 are shown below.



2.3 The proposed plans detailing the new roof lights and roof lantern are shown below;



2.4 At their lowest point, the height of the proposed roof lights will be 1.7m above the floor level of the room(s) that they are installed in, as shown by the below section plan.



- 2.5 The proposed roof lights and roof lantern frames will match the approved fenestration, namely dark framed UPVc.

3 LEGAL CONTEXT

3.1 The Legal context comprises The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which grants deemed planning permission for the classes of development described as permitted development in Schedule 2 of the Order.

3.2 Schedule 2 Part 1 Class B of the General Permitted Development Order states;

“Class B – additions etc to the roof of a dwellinghouse

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

B.1 Development is not permitted by Class B 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);*
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;*
- (c) any 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 exceed the cubic content of the original roof space by more than—*
 - (i) 40 cubic metres in the case of a terrace house, or*
 - (ii) 50 cubic metres in any other case;*
- (e) it would consist of or include—*
 - (i) the construction or provision of a verandah, balcony or raised platform, or*
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;*
- (f) the dwellinghouse is 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).*

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- (b) the enlargement must be constructed so that—*
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—*
 - (aa) the eaves of the original roof are maintained or reinstated; and*
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and*
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and*
- (c) any window inserted on 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.*

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii)—

- (a) *roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and*
- (b) *“rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.”*

3.3 Schedule 2 Part 1 Class C of the General Permitted Development Order states;

“Class C – other alterations to the roof of a dwellinghouse

Permitted Development

C. Any other alteration to the roof of a dwellinghouse.

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);*
- (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;*
- (c) *it would result in the highest part of the alteration being higher than the highest part of the original roof;*
- (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*
- (e) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

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.”*

4 PLANNING ASSESSMENT

Roof Lantern

- 4.1 Development to alter the roof of a dwelling house is permitted under Schedule 2 Part 1 **Class B** of the General Permitted Development Order provided that the criteria and conditions detailed in Section 3 above are met. Taking the criteria and conditions in turn;
- The dwelling house has **not** been granted permission only by virtue of the changes of use schedule of the GPDO
 - The roof lantern will **not** exceed the height of the highest part of the existing roof
 - The roof lantern will **not** extend beyond the plane of any existing roof slope of the principal elevation of the dwelling, fronting the highway
 - The resulting cubic content of the roof space will **not** exceed the original roof space cubic content by more than 50 cubic metres
 - The roof lantern does **not** consist of the construction/provision of a verandah, balcony or raised platform.
 - The roof lantern does **not** include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
 - The dwelling is **not** on Article 2(3) land
 - The dwelling has **not** been built under Part 20, Schedule 2 of the GPDO
 - The dwelling has **not** been enlarged in reliance of Class AA of Schedule 2 of the GPDO
 - The roof lantern materials will match the approved materials, namely dark framed UPVC
- 4.2 As such, the proposal for a roof lantern is in full compliance with Class B of the GPDO.

Roof Lights

- 4.3 Development for other alterations to the roof of a dwelling house is permitted under Schedule 2 Part 1 **Class C** of the General Permitted Development Order provided that the criteria and conditions detailed in Section 3 above are met. Taking the criteria and conditions in turn;
- The dwelling house has **not** been granted permission only by virtue of the changes of use schedule of the GPDO
 - The roof lights will **not** protrude more than 0.15 metres beyond the plane of the slope of the original roof
 - The roof lights will **not** be higher than the highest part of the original roof
 - The roof lights do **not** consist of the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
 - The roof lights do **not** consist of the installation, alteration or replacement of solar photovoltaics or solar thermal equipment
 - The dwelling has **not** been built under Part 20, Schedule 2 of the GPDO
 - The roof light on the side (east) elevation will be obscure glazed.
 - The roof lights will be higher than 1.7m above the floor of the room in which it is installed and therefore permitted to be openable.
- 4.4 As such, the proposal for the roof lights are in full compliance with Class C of the GPDO.

5 CONCLUSION

CONCLUSION

- 5.1 The proposed roof lantern and roof lights are in full compliance with the provisions of Schedule 2, Part 1, Class B and Class C (respectively) of the General Permitted Development Order (England) (2015) (as amended).
- 5.2 Accordingly, development is deemed to be permitted, and it is requested that the LPA issues a Lawful Development Certificate to this effect.