

Received Date:	4 August 2025
Expires:	29 September 2025
Application Number:	251875
Site:	7 Buckhurst Grove, Wokingham, RG40 2JR
Application:	Application for a certificate of lawfulness for the proposed single storey rear extension, proposed rear dormer, front porch extension and changes to fenestration.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
39489	Change of use of one bedroom from residential to consulting room for therapist (in retrospect).	09/07/1992	Approved	N/A
081504	Proposed erection of two storey rear extension, first floor side extension and ground floor front extension to dwelling plus detached single garage.	19/12/2008	Refused	N/A
092152	Proposed erection of two storey rear extension, first floor side and front extensions plus single storey front extensions to create porch and insertion of front dormer windows. Erection of detached garage to rear of dwelling.	17/04/2009	Approved	5 *(see below)
162117	Householder application for the proposed erection of a two storey rear extension to dwelling following removal of existing conservatory, plus side dormer window, rear balcony and changes to fenestration.	29/12/2016	Approved	N/A
232665	Application for a certificate of existing lawful development for the erection of a two storey rear extension not in accordance with the development approved under 162117.	01/03/2024	Approved	N/A

*Condition 5 of application 092152 states:

Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the north and south facing elevations (facing No.9 and No.5 Buckhurst Grove) in the extension hereby permitted except for any which may be shown on the approved drawing(s).

2. Site Description

The application site features a two-storey chalet style bungalow that is located within a predominantly residential area of Wokingham.

3. Land/ Property Designations

- There are no listed buildings at the site and the property is not within 'Article 2(3) land' (Town and Country Planning (General Permitted Development) Order 2015).
- The site is subject to wildlife and habitat designations, being located in an area that holds the potential to support bat roosts.

4. Legislation

Town and Country Planning Act 1990 (as amended)

- s.55 Provides that '*development*' includes the carrying out of building operations on land, and '*building operations*' includes structural alterations or additions to buildings.
- s.57 Planning permission is needed for all development of land.
- s.187a Enforcement for breach of conditions
- s.192 Applications for Certificates of Lawfulness of proposed use or development.
- s.191 Defines operations as 'lawful' if:
- (a) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

Town and Country Planning (General Permitted Development) Order 2015 (GPDO)

- Article 3 In conjunction with Schedule 2 (Part 1) (Class A) grants planning permission for the "*enlargement, improvement or other alteration of a dwellinghouse*".
- Article 4 Provides that the planning authority may give direction to restrict the effect of Article 3.

5. The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

6. Relevant details of the proposal:

This application seeks permission for the proposed erection of a single storey rear extension, a single storey front extension, plus the insertion of 1 no. pitched roof dormer to the rear elevation, a rooflight to the side elevation and changes to fenestration.

7. Assessment against legislation:

This section is split into three sections. Firstly, an assessment against Class A for the single storey rear extension, plus changes to fenestration, secondly, an assessment against Class B for the proposed rear dormer and rooflight, and lastly, an assessment against Class D for the proposed porch.

Schedule 2, Part 1, Class A

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	✓	
Art.3 (6)	5	Does it involve the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons?		✓
Art.4	6	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. 1 A	7	Does it consist of enlargement, improvement or other alteration of a dwellinghouse?	✓	
A.1(a)	8	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		✓
A.1(b)	9	Would the total area of ground covered by buildings (other than the original dwelling) exceed 50% of the total area of the curtilage?		✓
A.1(c)	10	Would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse?		✓
A.1(d)	11	Would 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?		✓
A.1(e)	12	Would the enlarged part of the dwellinghouse extend beyond a wall which - (i) fronts the principal elevation of the original house; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse?	✓	
A.1(f)	13	If the enlarged part of the dwellinghouse is single storey, would it either: (i) extend beyond the rear wall of the original dwellinghouse by more than: 4 metres in the case of a detached dwellinghouse 3 metres in the case of any other dwellinghouse; or (ii) exceed 4 metres in height		✓
A.1(g)	14	For a dwellinghouse not in article 2 (3) land (incl conservation area) if the enlarged part of the dwellinghouse is single-storey, would it either (i) extend beyond the rear wall of the original dwellinghouse by more than: 8 metres in the case of a detached dwellinghouse 6 metres in the case of any other dwellinghouse; or (ii) exceed 4 metres in height NB: As per Para A.4 of Part 1 of for development that exceeds the limits in para A.1 (f) (question 13) but is		✓

			Yes	No
		<u>allowed by para A.1 (g) (question 14) Prior Approval via the 'Neighbours Notification Scheme' is required</u>		
A.1(b)	15	If the extension would be more than a single storey would it: (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of the rear boundary of the curtilage.		✓
A.1(i)	16	Would the enlarged part of the dwellinghouse would be within 2 metres of the boundary with an eaves height in excess of 3 metres?		✓
A.1(i)	17	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse and: (i) exceed 4 metres in height, (ii) have more than a single storey, or (ii) have a width greater than half the width of the original dwellinghouse		✓
A.1(k)	18	Would the development consist of or include: (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse.	✓	
A.2(a)	19	Article 2(3) land (inc. conservation areas): a. Would the development 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?		✓
A.2(b)	20	b. Would the extension extend beyond a wall forming a side elevation of the original dwellinghouse?		✓
A.2(c)	21	c. Would the extension have more than a single storey and extend beyond the rear wall of the original dwellinghouse?		✓
	22	Would it affect or be within the Root Protection Area of a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval will likely be needed.</i>		✓

'Yes' has been ticked to part 12 of the table above as one element of the proposed works extends beyond a wall that forms the principal elevation of the dwelling. An assessment against Class D is contained in a table below for this element. 'Yes' has also been ticked to part 18 of the table above as alterations to the roof are also proposed as part of this application. An assessment against Class B is contained in a table below for the roof alterations.

Schedule 2, Part 1, Class B

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?	✓	

			Yes	No
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. 1 B	6	Does it consist of the enlargement of a dwellinghouse by addition or alteration to its roof?	✓	
B.1(a)	7	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		✓
B.1(b)	8	Would any part of the dwellinghouse, as a result of the works, exceed the height of the highest part of the existing roof?		✓
B.1(c)	9	Would any part of the dwellinghouse, 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?		✓
B.1(d)	10	Would the cubic content of the resulting roof space 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?		✓
B.1(e)	11	Would it consist of or include: (i) the construction or provision of a verandah, balcony or raised platform?		✓
		(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe?		✓
B.1(f)	12	Is the dwellinghouse on Article 2(3) land? (inc. conservation areas)		✓
	13	Would it affect a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval will likely be needed.</i>		✓

'Yes' has been ticked to part 3 of the table above as application 092152 has a condition that restricts windows or similar openings (i.e. rooflights) in the southern elevation of the extension approved by application 092152. The rooflight proposed on the southern elevation would therefore be in breach of this condition.

Schedule 2, Part 1, Class D

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. 1 D	6	Does the development consist of the erection or construction of a porch?	✓	
Sch.2 Pt. 1 D	7	Would it be outside an external door of the dwellinghouse?	✓	
D.1(a)		Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		✓

			Yes	No
D.1(b)	8	Would the ground area of the structure (measured externally) exceed three square metres?		✓
D.1(c)	9	Would any part of the structure be more than three metres above ground level?	✓	
D.1(d)	10	Would any part of the structure be within two metres of any boundary of the curtilage of the dwellinghouse with a highway?		✓
	11	Would it affect or be within the Root Protection Area of a TPO'd tree? * <i>Does not affect Article 3 permission but separate TPO approval may be needed.</i>		✓

'Yes' has been ticked to part 9 of the table above as the proposed porch has a maximum height of 3.8 metres.

8. Conclusion

The proposed erection of a single storey rear extension, a single storey front extension, plus, the insertion of 1 no. pitched roof dormer to the rear elevation, a rooflight to the side elevation, and changes to fenestration constitutes development and thus requires planning permission. Permission is not available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal not being in accordance with Schedule 2 (Part 1) (Class D) of the Order, and as Condition 5 of application 092152 restricts permitted development rights relating to windows and other openings:

(Condition 5 of consent 092152 states: Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the north and south facing elevations (facing No.9 and No.5 Buckhurst Grove) in the extension hereby permitted except for any which may be shown on the approved drawing(s).)

DRAFT APPROVED



Development Management Team Leader

Date: 29/09/25