

Received Date	19 June 2025
Expires:	14 August 2025
Application Number:	251464
Site:	238 London Road, Earley, Wokingham, RG6 1AH
Application:	Application for a certificate of lawfulness for the proposed loft conversion with a rear dormer and installation of 3 no.rooflights to the front and rear roofslopes.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
O/91/67	Detached House to the rear of 238 London Road	19/05/1967	Refuse	None
32530	Two storey side extension	17/04/1989	C/A	None
44452	Conversion of existing dwelling, into two dwellings.	18/07/1996	C/A	None
FP95/3924	Garage and Kitchen	13/11/1995	APP	None
000228	Proposed erection of detached double garage.	15/06/2000	C/A	None
032437	Application for certificate of lawful existing use for the conversion of one dwelling into two dwellings.	11/12/2003	C/A	None
041387	Proposed erection of 2 blocks containing 9 flats with associated parking & amenities. Demolition of existing 2 dwellings.	23/012/2004	REF	None
F/2005/5439	Erect 8 flats following the demolition of two dwellings.	03/07/2006	C/A	None
062558	Outline application for the proposed erection of 7 two bedroom dwellings with associated parking. Demolition of 236 & 238 London Road Earley. (Means of access, Landscaping, Layout and Scale to be considered).	31/01/2007	REF	None
071485	Application for a certificate of lawful existing use for the dwelling house to be used independently.	12/12/2007	C/A	None
112510	Application for a certificate of lawful existing development for use of garage as residential unit.	18/01/2012	APP	None None

2. Site Description

Terrance dwelling.

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 not subject to any wildlife or habitat designations.

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 B) grants planning permission for the "*enlargement of a dwellinghouse consisting of an addition or alteration to its roof*".
- 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:

Rear Dormer extension.

7. Assessment against legislation:

			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 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)?		✓

			Yes	No
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>		✓

8. Conclusion

The proposed rear dormer extension constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class B) of the Order.

9. Relevant details of the proposal:

Installation of 3 no.rooflights.

10. Assessment against legislation:

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3	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 C	6	Does the development consist of a roof alteration (other than enlargement)?	✓	
C.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)?		✓
C.1(b)	8	Would the alteration 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.1(c)	9	Would it result in the highest part of the alteration being higher than the highest part of the original roof?		✓
C.1(d)	10	Would it consist of or include:		✓

			Yes	No
		(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?		
	11	Would it affect a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval may be needed.</i>		✓

11. Conclusion

The proposed installation of 3 no. rooflights constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class C) of the Order.

DRAFT APPROVED

Development Management Team Leader

BJC

Date: 12.08.25