

Received Date	10 April 2025
Expires:	5 June 2025
Application Number:	250748
Site:	48 Silverdale Road, Earley, Wokingham, RG6 7LS
Application:	Application for a certificate of lawfulness for the proposed erection of 2 no. rear dormers to facilitate loft conversion along with installation of roof lights.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
40716	Single storey rear extension to form family room, shower and lobby	24/03/1993	Approved	N/A
000122	Proposed two storey & single storey side extension to dwelling.	15/08/2000	Approved	N/A
220924	Application for a certificate of lawfulness for the proposed rear dormer with Juliet balcony, 3No rooflights to front elevation and changes to fenestration.	14/04/2022	Approved	N/A

2. Site Description

The application site is a two-storey detached property located within a predominantly residential area of Earley.

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 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:

This application seeks permission to convert the existing loft space to create additional habitable accommodation, this will be facilitated by the insertion of 2 no. dormer and 1 no. rooflight to the rear elevation, and 2 no. rooflights to the front elevation.

7. Assessment against legislation:

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?		✓
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?		✓

			Yes	No
		<i>* Does not affect Article 3 permission but separate TPO approval will likely be needed.</i>		

The proposed rooflights on the front elevation extend beyond the plane of the roof-slope and therefore the proposal fails to comply with point 9 in the above table. However, a further assessment for the rooflights can be made against Class C (other alterations to the roof of a dwellinghouse) and this assessment is contained within the table below.

Schedule 2, Part 1, Class C

			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: (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>		✓

The proposed rooflights do not protrude more than 0.15 metres beyond the plan of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

8. Conclusion:

The proposed loft conversion and insertion of 2 no. pitched roof dormers and 3 no. rooflights constitutes development requiring planning permission. Permission **IS** available 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) & (Class C) of the Order.

DRAFT APPROVED

A handwritten signature in purple ink, appearing to be 'Aje', is positioned above the title.

Development Management Team Leader

Date: 04/06/25