

Received Date:	25 October 2024
Expires:	20 December 2024
Application Number:	242692
Site:	62 Pinewood Avenue, Crowthorne, Wokingham, RG45 6RP
Application:	Application for a certificate of lawfulness for the proposed erection of a single storey front extension to form a porch and a single storey rear extension following demolition of the existing conservatory, plus changes to fenestration.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
0/171/65	Bungalow	08/07/65	C/A	N/A
114/66	Bungalow & garage	01/09/66	C/A	N/A
1143/71	Erection of one detached house with garage	20/10/71	C/A	N/A
1267/72	Detached house and garage	03/08/72	C/A	N/A
031087	Proposed single storey rear extension to dwelling to form conservatory	18/11/03	C/A	N/A

2. Site Description

Two storey detached 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.
- The application site is within a Modest Development Locations of Crowthorne.

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.

Class A – Enlargement, Improvement or other alteration of dwelling

6. Relevant details of the proposal: The single storey pitched roof rear extension will be 4m in length, 4.18m in width and 3.54m in height. It includes 4 roof lights as well as window to the rear and right-side elevation. The rear window to the kitchen will be replaced with bi-folding doors.

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.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		✓

			Yes	No
		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 allowed by para A.1 (g) (question 14) <u>Prior Approval via the 'Neighbours Notification Scheme' is required</u>		✓
A.1(h)	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.	n/a	n/a
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?	n/a	n/a
A.1(j)	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	n/a	n/a
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?		✓

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

8. Conclusion

The proposed erection of single storey rear extension following demolition of the existing conservatory, plus changes to fenestration constitutes development and thus requires 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 A) of the Order.

Class D – Porches

9. Relevant details of the proposal: The proposed erection of a single storey front extension to form a single storey pitched roof porch would be approx. 1.25m in length, 1.59m in width and 3.37m in height.

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 (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)?		✓
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? The front porch would be approx. 3.37m in height 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? * Does not affect Article 3 permission but separate TPO approval may be needed.		✓

11. Conclusion

The proposed erection of a single storey front extension to form a porch 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 being not in accordance with Schedule 2 (Part 1) (Class D) D1.c of the Order. The front porch would be 3.37m in height above ground level and

therefore, involves development that is not in accordance with Schedule 2 (Part 1) (Class D) D1.c of the Order.

DRAFT APPROVED *MC*

Development Management Team Leader

Date: 17.12.2024