

17 February 2026

Planning Department

Wokingham Borough Council
Development Management,
Wokingham Borough Council,
Civic Offices, Shute End,
Wokingham,
RG40 1BN

To Whom It May Concern,

**PERMITTED DEVELOPMENT APPLICATION FOR SCARLET HOLLIES, WOKINGHAM ROAD,
HURST, BERKSHIRE, RG10 0RX.**

Following approval of application ref 253026, I have been instructed by my clients to prepare and submit the enclosed drawings in support of a new certificate of lawfulness application for permitted development to Wokingham Borough Council in relation to changes to fenestration on the main house, new single storey rear enclosed pergola extension, construction of a new detached pool house outbuilding, new external pool and detached enclosed pergola. These proposals reduce the scale of the proposed pool house and include an external pool in lieu of the previously proposed indoor pool.

SUMMARY OF MAIN ISSUES IN ORDER TO COMPLY WITH PERMITTED DEVELOPMENT RIGHTS

This application is for a Certificate of Lawfulness for a proposed development. This decision is based only on legal issues involved and is not a discretionary matter. As such Local Plan Policies are not relevant for this application with the determination made only in relation to the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended); see italicised text below.

Does the site benefit from permitted development rights: Yes

Class A – enlargement, improvement or alteration

The proposed changes to the rear elevation fenestration and the proposed single storey enclosed rear pergola extension all fall under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The house was not converted to become a dwellinghouse by virtue of these classes.

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed extension would not exceed 50% of the total area of the curtilage of the dwellinghouse. It should be noted that together with the other proposed outbuildings they would not cumulatively exceed 50% of the total area of the curtilage of the dwellinghouse. **The proposal complies.**

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the part of the dwellinghouse enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse. **The proposal complies.**

(d) 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;

The height of the eaves of the part of the dwellinghouse enlarged would not exceed the height of the eaves of the existing dwellinghouse. **The proposal complies.**

*(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or*

The enlarged part would not extend beyond the principal elevation of the original dwellinghouse. **The proposal complies.**

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The enlarged part would not project beyond a wall fronting a highway or from a side elevation. **The proposal complies.**

*(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;*

The enlarged part would be a single storey, will not extend more than 4m beyond the rear wall and will not exceed 4m in height. **The proposal complies.**

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

N/A

(ii) exceed 4 metres in height;

N/A

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

N/A

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

N/A

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The enlarged part of the dwellinghouse would not be within 2 metres of the boundary of the curtilage.

The proposal complies.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

The enlarged part would not extend beyond a wall forming a side elevation of the original dwellinghouse.

The proposal complies.

(ii) have more than a single storey, or

N/A

(iii) have a width greater than half the width of the original dwellinghouse; or

N/A

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

N/A

(ii) the installation, alteration or replacement of a microwave antenna,

N/A

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

N/A

(iv) an alteration to any part of the roof of the dwellinghouse.

N/A

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would 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;

The dwellinghouse is not located within article 2(3) land. **The proposal complies.**

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

N/A

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

N/A

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal complies.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

N/A

(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; and

N/A

(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

N/A

Class E – buildings etc

The proposed detached pool house outbuilding, new external pool and detached enclosed pergola fall under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

E.1 Development is not permitted by Class E if –

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

Permission to use the dwellinghouse as a dwellinghouse has not been granted by virtue of Class M, N, P, PA or Q of Part 3 of Schedule 2 to the Order. **The proposal complies.**

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)

As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage. **The proposal complies.**

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

The proposed pool house outbuilding, new external pool and enclosed pergola are not situated on land forward of the principal elevation of the dwelling house. **The proposal complies.**

(d) the building would have more than a single storey

The proposed pool house outbuilding and enclosed pergola are single storey. **The proposal complies.**

- (e) the height of the building, enclosure or container would exceed -*
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case

The proposed pool house outbuilding has a pitched roof and is a maximum of 4m in height with eaves at 2.5m and set out more than 2m from the boundary. The proposed enclosed pergola would have a maximum height less than 3m. **The proposal complies.**

- f) the height of the eaves of the building would exceed 2.5 metres.*

The proposed eaves are a maximum of 2.5m in height. **The proposal complies.**

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building*

The proposals are not situated within the curtilage of a listed building. **The proposal complies.**

- (h) it would include the construction or provision of a verandah, balcony or raised platform*

The proposal does not consist of or include the construction or provision of a verandah, balcony or raised platform. **The proposal complies.**

- (i) it relates to a dwelling or a microwave antenna*

The proposals do not relate to a dwelling and do not include a microwave antenna. **The proposal complies.**

- (j) the capacity of the container would exceed 3,500 litres*

N/A.

Condition E.2 In the case of any land within the curtilage of the dwellinghouse which is within -

- (a) a World Heritage Site,*
(b) a National Park,
(c) an area of outstanding natural beauty or
(d) the Broads,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The proposal is not within the curtilage of any land which is within (a), (b), (c) or (d). **The proposal complies.**

Condition E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse

The application site is not on article 2(3) land. **The proposal complies.**

Condition E.4

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 relates to 'The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure'. For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

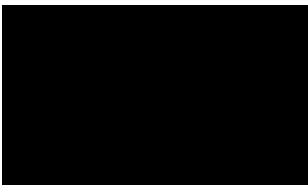
Consideration of what is 'incidental to the enjoyment of the dwellinghouse' raises two questions: is the purpose of the proposed outbuilding incidental to the enjoyment of the dwellinghouse as such and, if so, is the proposed outbuilding reasonably required for that purpose.

The outbuilding would accommodate a plant room, store, gym, sauna, WC/shower room and seating area to be used by the proposed new external swimming pool. The proposed enclosed pergola will form cover to an outdoor kitchen and dining area.

The accompanying application drawings clearly demonstrate that the size of the proposed pool house and enclosed pergola is appropriate for the intended use, and this use is clearly incidental to the enjoyment of the dwellinghouse. (Incidental use refers to minor, secondary or complementary uses that are concurrent with the main use). The outbuilding and gazebo would therefore be 'permitted development' under Article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

I trust this summary will assist in your review of these proposals.

Yours sincerely,



Bronwen Gombert

CONNECTED ARCHITECTURE