

35 Old Wokingham Road
Crowthorne
Wokingham
RG45 6SS

Certificate of lawfulness application in relation to two
existing outbuildings

Appellant(s):

Mr Daniel Gallo
35 Old Wokingham Road
Crowthorne
Wokingham
RG45 6ss

Prepared By **PYRAMID PLANNING**

1.0 INTRODUCTION

1.1 This statement supports an application submitted under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for existing operational development at 35 Old Wokingham Road. The application seeks confirmation that two outbuildings located within the residential curtilage of the dwellinghouse constitute lawful development.

1.2 The outbuildings comprise:

(1) Outbuilding A – a single-storey timber structure with a curved dual pitched roof used as a garden room; and

(2) Outbuilding B – a single-storey metal-framed structure with glazed panels used as a garden kitchen.

1.3 The applicant contends that both structures meet all requirements of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and therefore benefit from permitted development rights. The purpose of this statement is to set out the relevant context, evidence and justification demonstrating that each outbuilding is lawful on the balance of probability.

2.0 SITE DESCRIPTION

2.1 The site comprises a residential property located at 35 Old Wokingham Road, Crowthorne, Wokingham, RG45 6SS, consisting of a detached dwellinghouse with a private rear garden. The rear garden is significant in size and forms the domestic curtilage and the established planning unit of the dwelling.

2.2 Both outbuildings subject to this application are located entirely within this rear garden area. The land is used solely for domestic purposes associated with the main dwellinghouse. The site is enclosed by boundary fencing and mature planting, consistent with a typical residential setting.

2.3 The property is not a listed building, nor is it situated within the curtilage of a listed building. There are no known Article 4 Directions affecting the site that restrict or remove permitted development rights under Part 1 of the GPDO. The site does not lie within a conservation area or any other designated landscape that limits Class E development. The surrounding area is predominantly residential in character, comprising similar domestic plots with gardens and typical ancillary structures.

3.0 THE LEGAL FRAMEWORK

3.1 Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the erection of outbuildings within the curtilage of a dwellinghouse, provided all relevant limitations and conditions are satisfied.

3.2 Development is lawful where it does not fall within any of the restrictions set out in paragraphs E.1 and E.2, and where the building is required for a purpose incidental to the enjoyment of the dwellinghouse.

3.3 For the purposes of this Certificate of Lawfulness application, each outbuilding has been assessed separately against every criterion of Class E. The assessment below identifies each limitation in turn and confirms whether it is or is not breached in respect of Outbuilding A and Outbuilding B.

Outbuilding A

Development not permitted

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 or Q of Part 3 of this Schedule (changes of use);

This is not the case

- (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);

This is not the case

- (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;

This is not the case

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

This is not the case

- (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;

This is not the case. The outbuilding is a height of 3.3m and not within 2m of a boundary. The roof comprises two opposing slopes from a central ridge and it is therefore treated as dual-pitched for the purposes of Class E.1(e). The relevant height limit is 4m, which is not exceeded.

- (f) the height of the eaves of the building would exceed 2.5 metres;

This is not the case

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

This is not the case. The property is not a listed building and the structure is not within the curtilage of a listed building

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

This is not the case

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

This is not the case

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

This is not applicable as it is not a container

- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

This is not the case

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

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

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 land is not located within any of these areas

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 land is not located on article 2(3) land and as such this is not applicable. In any case, the outbuilding in question is not situated on land between a wall forming a side elevation and the boundary of the dwellinghouse.

Outbuilding B

Development not permitted

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 or Q of Part 3 of this Schedule (changes of use);

This is not the case

- (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);

This is not the case

- (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;

This is not the case

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

This is not the case

- (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;

This is not the case. The outbuilding has a maximum height of 2.5m and is located within 2m of the boundary. Class E permits a maximum height of 2.5m where a building is within 2m of the boundary, and this limit is not exceeded.

- (f) the height of the eaves of the building would exceed 2.5 metres;

This is not the case

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

This is not the case. The property is not a listed building and the structure is not within the curtilage of a listed building

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

The development includes a raised platform with a maximum height of approx. 0.2m Under Class E, a platform is only considered 'raised' if it exceeds 0.3m in height. As the platform does not exceed 0.3m, this limitation is not breached.

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

This is not the case

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

This is not applicable as it is not a container

- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

This is not the case

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

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

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 land is not located within any of these areas

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 land is not located on article 2(3) land and as such this is not applicable. In any case, the outbuilding in question is not situated on land between a wall forming a side elevation and the boundary of the dwellinghouse.

4.0 CONCLUSION

4.1 This statement has assessed Outbuilding A and Outbuilding B against every relevant limitation and condition of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The evidence demonstrates that both outbuildings are located within the residential curtilage of the dwellinghouse and are used solely for purposes incidental to its enjoyment.

4.2 For Outbuilding A, the assessment confirms that it meets all requirements of Class E. The building is single-storey, not sited forward of the principal elevation, not within the curtilage of a listed building, does not include a balcony or raised platform, and its curved dual-pitched roof results in a maximum height that complies with the 4m height limit as it is situated more than 2m from a boundary.

4.3 For Outbuilding B, the assessment also confirms full compliance with Class E. The structure is single-storey, is not forward of the principal elevation, does not exceed the 2.5m height limit applicable where a building is within 2 metres of a boundary, and does not include any feature restricted by Class E.1 or E.2. The associated platform does not exceed 0.3m in height and therefore does not constitute a 'raised platform' for the purposes of the GPDO.

4.4 On the balance of probability, the legal test applicable to applications submitted under Section 191 of the Town and Country Planning Act 1990, the development is lawful. Accordingly, the Local Planning Authority is respectfully requested to issue a Certificate of Lawfulness confirming the existing operational development comprising Outbuilding A and Outbuilding B as lawful permitted development.