

Received Date	21 July 2025
Expires:	15 September 2025
Application Number:	251741
Site:	5 Lockhart Drive, Wokingham, RG40 5BF
Application:	Application for a certificate of lawfulness for the proposed erection of 1no. dormer to the rear plus roof lights following conversion of loft to create habitable accommodation.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
130456	Outline Application for the development of up to 225 dwellings and associated works at Kentwood Farm West (Phase 2 of the North Wokingham Strategic Development Location) (all matters reserved).	C/A	27/10/14	Yes, condition 5
170083	Reserved Matters application pursuant to Outline Planning Consent 130456 for the erection of 225 dwellings, associated amenity space, landscaping, garages, parking and carports, allotments, internal roads, pathways, drainage and the construction of a new access from Warren House Road (access, appearance, landscaping, layout and scale to be considered); the construction of a section of the Northern Distributor Road (NDR) within the development site, including footways and associated highway works (accessed from approved access on Warren House Road).	C/A	30/10/17	N/A

2. Site Description

Two storey dwelling linked by garage

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 site is in the Major Development Locations of Wokingham.

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: The flat roof rear dormer would be 6.206m in length, 2.653m in height and 3.259m in depth. The loft conversion includes 3 rooflights on the front elevation.

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)?		✓
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		✓

			Yes	No
		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 erection of 1no. dormer to the rear plus roof lights following conversion of loft to create habitable accommodation constitutes development requiring planning permission. Permission is not granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal not being in accordance with Schedule 2 (Part 1) (Class B) of the Order as it would conflict with planning condition 5 of consent 130456.

Permitted Development

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, extensions or alterations permitted by Classes A, B, C, D, E, F and G of Part 1 of the Second Schedule of the 1995 Order (or any order revoking and re-enacting that order with or without modification) shall be carried out.

Reason: To safeguard the character of the area and residential amenity of neighbouring properties. Relevant Policies: Core Strategy policies CP1 and CP3.

DRAFT APPROVED



Development Management Team Leader

Date: 28/08/25