

Received Date:	10 June 2025
Expires:	5 August 2025
Application Number:	251366
Site:	2 Culver Grove, Wokingham, Wokingham, RG40 5AG
Application:	Application for a certificate of lawfulness for the proposed conversion of loft to create habitable accommodation, plus the insertion of roof lights and Juliet balcony.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
O/2010/0943	Outline approval for the development of 357 dwellings.	01/09/2010	Refused	N/A
O/2011/0699	Outline planning application for development of 274 dwellings, garages, driveways, carports (total 608 parking spaces), internal roads, pathways, substations, gas governor, the construction of a new access from Keephatch Road and two new access points from Warren House Road with associated amenity space, incorporating allotments	30/03/2011	Refused	N/A
APP/X0360/A/11/2157754/NW		02/07/2012	Allowed at appeal.	None
131038	Application for non material amendment for minor alterations relating to condition 1 of planning consent O/2011/0699 (approved layout for siting of dwellings).	14/10/2013	Approved	None
132134	Reserved Matters application pursuant to Outline Planning Consent O/2011/0699 for the erection of 274 dwellings, garages, parking and carports (total 608 parking spaces) internal roads, pathways, substations, gas governor, the construction of a new access from Keephatch Road and two new access points from Warren House Road with associated amenity space, incorporating allotments.	21/09/2011	Refused	N/A

131372	Application for removal of condition 11a (affordable housing) of appeal consent O/2011/0699 (amendment to S106 agreement includes these details).	14/06/2013	Approved	None
141581	Application to vary condition 35 of planning consent O/2011/0699 / VAR/2013/1162 for the erection of 274 dwellings, garages, driveways and car ports. Condition 35 relates to off-site junctions, the variation proposes to delete this condition.	27/10/2014	Approved	None
142202	Application for a non-material amendment to planning consent O/2011/0699 and VAR/2014/1846 to allow extending the single storey extension across the rear of the 5 bed dwellings relating to plots 1, 4, 5, 16, 86, 91, 118, 208, 212, 213, 218 and 219.	03/12/2014	Approved	None
153117	Householder application for the proposed erection of single storey rear extension.	11/01/2016	Approved	None
170233	Householder application for proposed erection of first floor side extension to dwelling.	24/03/2017	Approved	None
223791	Householder application for the conversion of the garage to habitable accommodation, with associated changes to fenestration and addition of a rear rooflight. (Retrospective)	22/02/2023	Approved	None
223794	Householder application for the erection of a single storey front extension to form a porch and addition of a front canopy roof, plus erection of a new front wall and rendering of front and side elevations. (Retrospective)	22/02/2023	Approved	None

2. Site Description

End of terrace 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.

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.

6. Relevant details of the proposal:

Installation of a Juliet balcony.

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?	✓	

			Yes	No
Art.3 (b)	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 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.		✓

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

8. Conclusion

The proposed Juliet balcony 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.

9. Relevant details of the proposal:

Installation of 5.no roof lights.

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	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)?	✓	

			Yes	No
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>		✓

11. Conclusion

The proposed Installation of 5.no roof lights constitutes development requiring planning permission. Permission is granted 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 C) of the Order.

DRAFT APPROVED

JMM

Development Management Team Leader

Date: 28 July 2025