

## **DELEGATED OFFICER REPORT**



**WOKINGHAM**  
**BOROUGH COUNCIL**

|                                                                                                                               |                                         |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Application Number:</b>                                                                                                    | 260354                                  |
| <b>Site Address:</b>                                                                                                          | 34 Frog Hall Drive, Wokingham, RG40 2LF |
| <b>Expiry Date:</b>                                                                                                           | 8 April 2026                            |
| <b>Site Visit Date:</b>                                                                                                       | 13 February 2026                        |
| <b>Proposal:</b> Application for a certificate of existing lawful development for erection of a single storey rear extension. |                                         |

### **PLANNING HISTORY**

| Application No. | Description                                                                                                                                                                                                                          | Decision & Date        |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 181595          | Application for the prior approval of the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.1m for which the maximum height would be 3.6m and height of the eaves 2.5m. | Approval<br>16/07/2018 |

### **INFORMATION PROVIDED**

By the applicant:

- Lawful Development Certificate Application Form states that the building works (rear extension) were constructed in 2018. Prior Approval 181595 was determined 'Prior approval not required', dated 16/07/2018 which required that the building was to be completed by 30 May 2019, and the Council informed in writing of completion.
- Location Plan.
- Site Plan.
- Extension floor plan.
- Five photographs.

By the Council:

- Planning history records check.
- Planning enforcement history check.
- Building Regulations Tascomi software system check.
- Aerial Imagery – Google Earth and World Imagery Wayback.

By third parties:

- None.

### **APPRAISAL**

The application is for a Certificate of Lawful Existing Development to establish whether the requirements of Prior Approval 181595 which was determined 'Prior approval not

required', dated 16/07/2018 have been met. The decision notice required that the building was to be completed by 30 May 2019, and the Council informed in writing of completion.

In determining a Certificate of Lawful Existing Development a Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

Planning merits are not relevant at any stage in the process however evidence from third parties, including neighbours, can be obtained should the Local Planning Authority consider it necessary to do so. The National Planning Policy Guidance (NPPG) sets out that the onus of proof is on the applicant, not the Local Planning Authority in submitting a Certificate of Lawfulness. However, the NPPG also states that "if Local Planning Authorities have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided that the applicant's evidence is clear and unambiguous to justify the grant of a certificate".

### **Planning History:**

Prior Approval application 181595 was determined on 16/07/2018 as 'Prior Approval Not Required'. The applicant has submitted plan 'Proposed ground floor plan rev. 3', shown in Figure 1. The red box outlines the extent of the extension.

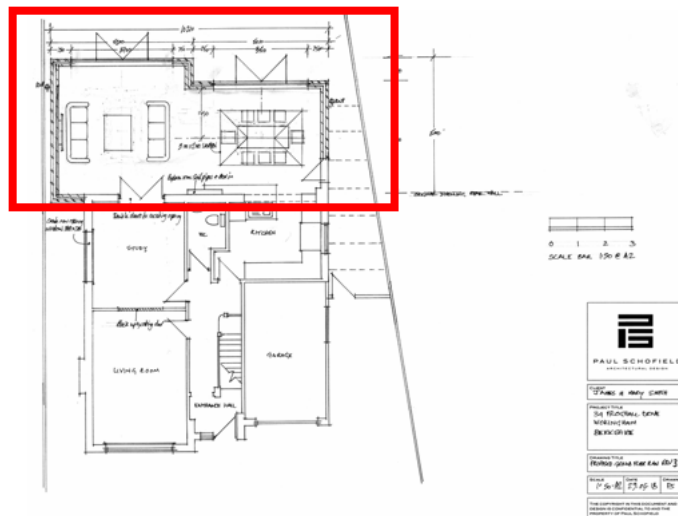


Figure 1: Approved plan for 181595 provided by Applicant.

During the officer's site visit on 13/02/2026 it was clear that development was substantially complete.

### **The Applicant's Evidence:**

The application form states that the rear extension was substantially completed on 30/11/2018. The five submitted photographs are dated and show progress of the build and support that the extension was substantially completed by the required date, see figures 2 to 6.



Figure 2: Photograph submitted by the Applicant.

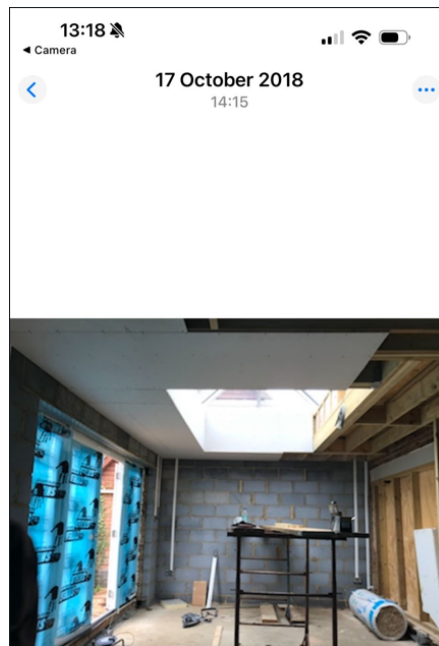


Figure 3: Photograph submitted by the Applicant.

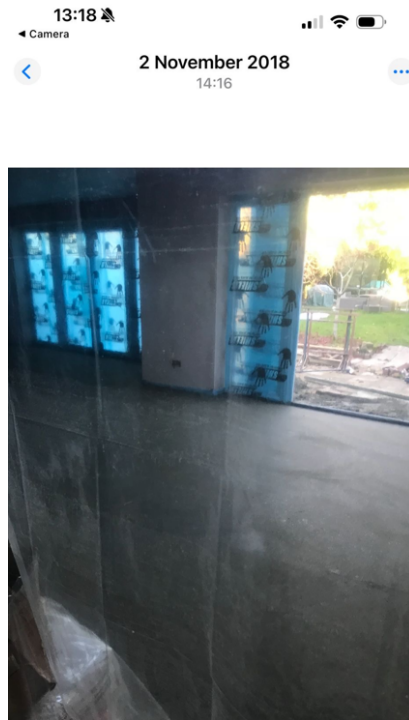


Figure 4: Photograph submitted by the Applicant.



Figure 5: Photograph submitted by the Applicant.

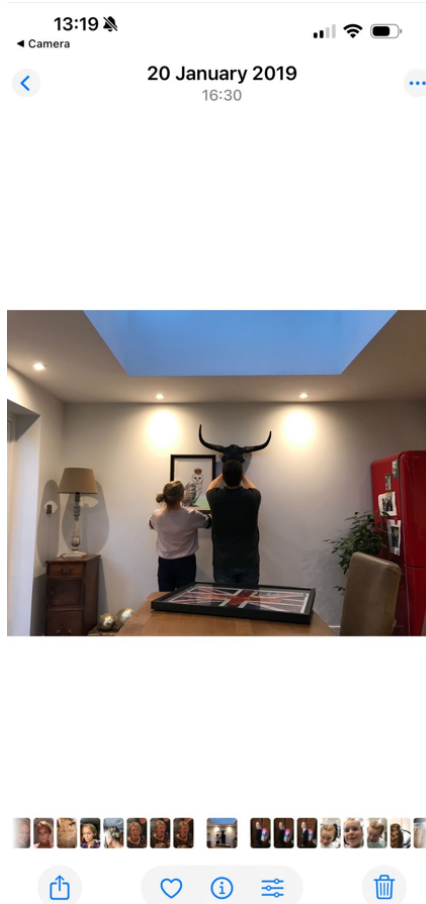


Figure 6: Photograph submitted by the Applicant.

**The Council's Evidence:**

This Certificate of Lawful Existing Development application has been submitted to establish whether the requirements of Prior Approval 181595 have been met. The Prior Approval required that the building was to be completed by 30 May 2019, and the Council informed in writing of completion.

The case officer's site visit photographs evidence that at the time of the visit (13/02/2026), the rear extension was substantially complete. See Figures 7 to 8.



Figure 7:

Officer site visit photograph 13/02/2026.  
13/02/2026.

Figure 8:

Officer site visit photograph

Aerial Imagery taken from Google Earth supports that the rear extension was substantially complete by at least September 2019, see Figures 9 to 13.



Figure 9: Google Earth Imagery May 2025.



Figure 10: Google Earth Imagery August 2023.



Figure 11: Google Earth Imagery April 2020.

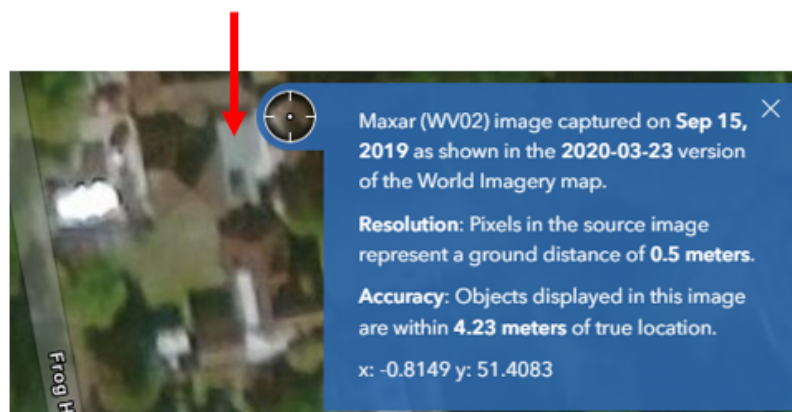


Figure 12: World Imagery Wayback September 2019. Red arrow showing extension location.



Figure 13: Google Earth Imagery June 2018.

The aerial image closest to the required completion date of 30 May 2019 is shown in Figure 12 which was captured on 15 September 2019 and shows the rear extension in situ.

#### Building Control Records:

The Council's Building Control records for the site demonstrate that on 09/08/2018 application 181155 was submitted for a 'Single storey rear extension'.

Three documents were submitted to support application 181155:

1. Electrical Installation Certificate (Ref: 40817142, Niceic2, Kevin Bird Electrical Services)
2. Building Regulations Certificate of Compliance, ref: 40449585 (Niceic)
3. Completions Checklist Spreadsheet.

While the completion sign off for building control application 181155 is dated 14/01/2026, the application which was submitted during the construction phase of the development and demonstrates that construction works were taking place during August 2018. This Existing Lawful Development Certificate application is to demonstrate that although the Council were not informed when the development was substantially completed, the dated photographs, the Council's building control records and aerial imagery demonstrate that the works had been substantially completed by the required date - 30 May 2019.

The relevant test for Lawful Development is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it is considered that the rear extension was substantially complete by 30 May 2019. The decision letter for Prior Approval application did not provide a date by which the applicant had to inform the Council of substantial completion of the rear extension. Rather, the wording reads:

*"Please note in order to benefit from these Regulations the extension must be completed before 30 May 2019 and you must inform the Council, in writing, of the date that the extension is completed as soon as reasonably practicable after completion".*

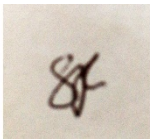
This Certificate of Lawful Existing Development application is considered an acceptable form of written confirmation informing the Council that the rear extension was substantially completed by 30 May 2019. The development is therefore lawful and exempt from enforcement action.

#### **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.

## RECOMMENDATION

The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it is considered to have been demonstrated that, the single-storey rear extension was substantially complete by 30 May 2019 and therefore, meets the requirements of Prior Approval application 181595, dated 16/07/2018. It is therefore considered that the application of a certificate of existing lawful development should be approved.

|                                                           |                                                                                     |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Date:</b>                                              | 2 April 2026                                                                        |
| <b>Earliest date for decision:</b>                        | 6 March 2026                                                                        |
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> |  |
| <b>Date:</b>                                              | 2.4.26                                                                              |