

Received Date:	13 February 2025
Expires:	10 April 2025
Application Number:	250349
Site:	21 Dyer Road, Wokingham, RG40 5PG
Application:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
42149	Detached house & garage	22/09/95	C/A LA	Yes, condition 10
44546	Access/roads	17/07/95	C/A	N/A
A97/0141	Detached house & garage	14/03/97	C/A	N/A
971764 (F/1997/64874)	Proposed Erection Of 25 Detached Houses And Associated Works	01/08/97	C/A LA	Yes, condition 3
971377	Proposed Erection Of Three Dwellings With Conservatories (Amendment to Previous Approval)	19/02/98	C/A	N/A
980049	Proposed Single Storey Rear Extensions To Form Conservatories	17/08/98	C/A	N/A
041392	Proposed single storey rear extension to dwelling.	06/09/04	C/A	N/A

2. Site Description

Two storey detached 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 subject to potential bat roosting.
- The application site is within Major Development Location 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 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: The single storey rear extension will be approx. 2.15m in length, 7.10m in width and 3.30m in height.

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.3 (6)	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		✓

			Yes	No
		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.	n/a	n/a
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?	n/a	n/a
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	n/a	n/a
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		✓

			Yes	No
		beyond the rear wall of the original dwellinghouse?		
	22	Would it affect or be within the Root Protection Area of a TPO'd tree? * Does not affect Article 3 permission but separate TPO approval will likely be needed.		✓

8. Conclusion

The proposed erection of a single storey rear extension constitutes development and thus requires planning permission. Permission is not available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as it would conflict with planning condition 10 of consent 42149 and condition 3 of consent 971764 (see below).

Application 42149 continued

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no development shall take place under Part 2 of Schedule 2 Classes A and B of that Order without the prior written consent of the Local Planning Authority. (3691)

10 REASON In order to protect the character and amenities of the locality. (N18R)

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No enlargement, improvement or other alteration to the dwelling hereby permitted, by Part 1, Classes A and B to the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order) shall be carried out.

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To safeguard the amenities of neighbouring residents and the locality.

DRAFT APPROVED

JMM

Development Management Team Leader

Date: 10 April 2025