

Received Date	3 July 2025
Expires:	28 August 2025
Application Number:	251572
Site:	19-Wheeler Avenue, Wokingham, RG40 5AH
Application:	Application for a certificate of lawfulness for the proposed insertion of rear dormer to facilitate conversion of the loft to create habitable accommodation, plus additional rooflights.

1. Relevant Planning History

O/2011/0699 –

Hybrid application, Phase 1 of the North Wokingham Strategic Development Location.

A) OUTLINE APPLICATION FOR The development of 274 dwellings, garages, driveways, car ports (total 557 parking spaces), internal roads, pathways, sub-stations, 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 (Matters for approval: Access and Layout).

B) FULLPLANNING PERMISSION FOR 1) The laying out of an area of Public Open Space (informal) and a Suitable Area of natural Greenspace (SANG) on land west of Warren House Road (to serve the proposal phase 1 and future development at Kentwood Farm), including a car park (6 spaces), pathways, associated landscaping and pathway features.

2) The construction of a 3.5 metre high landform and 2.5 metre fence for a distance of 405 metres on the west side of Warren House Road and 635 metres on the East side of Warren House Road, parallel with the A329(M).

3) The erection of a sewage pumping station with interim access from the present access from Warren House Road.

Application allowed at appeal and permitted development rights not removed via condition.

2. Site Description

19-Wheeler Avenue is a two-storey terrace property in the town of Wokingham a major development location within Wokingham Borough. Wheeler Avenue is made up of a variety of houses from semi-detached, detached and terrace properties. Wheeler Avenue is part of the former North Wokingham SDL site and is a new build. The majority of houses have driveways, garages and front and rear gardens.

The application site is made out of brick and has a tiled roof. The property is down a cul de sac of Wheeler Avenue but still part of the same road. The host dwelling has a small rear garden and a driveway with a detached garage which can accommodate the parking of one vehicle.

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 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:

Insertion of rear dormer

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.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 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?	No	No
		(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe?	No	No
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 insertion of a rear dormer constitutes development requiring 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 B) of the Order.

9. Relevant details of the proposal:

Insertion of rooflights.

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?	No No	No No
	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 insertion of rooflights constitutes development requiring 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 C) of the Order.

DRAFT APPROVED



Development Management Team Leader

Date: 22/07/25