

Received Date	26 June 2025
Expires:	21 August 2025
Application Number:	251519
Site:	Herons Creek, Station Road, Wargrave, Wokingham, RG10 8EU
Application:	Application for a certificate of lawfulness for the proposed erection of a single storey front extension to create porch, windows replacement plus changes to fenestration following demolition of existing porch.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
11356	Single Storey Extension and erection of Detached Garage with Garden Room over	30 th August 1979	Approve	4
43126	Single Storey Extension to Form a Garden Room	26 th August 1994	Approve	
44626	Footbridge over creek	9 th October 1996	Appeal dismissed	
F/20043572	Install solar panels on roof	3 rd Feb 2006	Approve	

2. Site Description

A detached house in Wargrave that is located within a Conservation Area and the Listed Building buffer zone of Wargrave Court.

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 D) grants planning permission within limits for the erection or construction of a porch outside any external door 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: Erection of a single storey front extension to create porch, windows replacement plus changes to fenestration following demolition of existing porch.

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 D	6	Does the development consist of the erection or construction of a porch?	✓	
Sch.2 Pt. 1 D	7	Would it be outside an external door of the dwellinghouse?	✓	
D.1(a)		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)?		✓
D.1(b)	8	Would the ground area of the structure (measured externally) exceed three square metres?		✓
D.1(c)	9	Would any part of the structure be more than three metres above ground level?		✓
D.1(d)	10	Would any part of the structure be within two metres of any boundary of the curtilage of the dwellinghouse with a highway?		✓
	11	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 may be needed.</i>		✓

The proposed erection of a single storey front extension to create porch, windows replacement plus changes to fenestration following demolition of existing porch constitutes development requiring planning permission. Permission is not available 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 D) of the Order. This is because Condition 4 of consent 11356 states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1977, there shall be no structural alterations to the elevations of the dwelling as extended by this permission and no further additions or alterations (including windows) shall be constructed without prior written permission of the District Planning Authority.

DRAFT APPROVED
Development Management Team Leader

A handwritten signature in purple ink, appearing to be 'Aje', is written over the text 'Development Management Team Leader'.

Date: 18/08/25