

Received Date	27 March 2025
Expires:	22 May 2025
Application Number:	250558
Site:	33 Mays Close, Earley, Wokingham, RG6 1JY
Application:	Application for a certificate of lawfulness for the proposed loft conversion to create habitable accommodation to include 1no. rear dormer with Juliet balcony.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
051278	Proposed erection of 5 x 2 bedroom dwellings, 12 x 3 bedroom dwellings, 8 x 2 bedroom flats and 4 x 1 bedroom flats.	27/02/2006	Refused Appeal allowed 12/07/2006	N/A
052403	Proposed erection of 30 dwellings.	29/09/2005	Withdrawn	N/A
061584	Proposed erection of 24 dwellings (3 x 4 bed houses, 9 x 3 bed houses, 8 x 2 bed houses & 4 x 1 bed houses).	14/07/2006	Withdrawn	N/A
243158	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 4.00m, for which the maximum height would be 3.00m and the height of the eaves 3.00m.	21/01/2025	Prior Approval Not Required	N/A

2. Site Description

The application site is a two-storey terraced property located within a predominantly residential area of Earley.

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:

This application seeks permission to convert the existing loft space to create additional habitable accommodation, this will be facilitated by the insertion of 1 no. flat roof dormer to the rear elevation.

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 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? (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe?		✓

			Yes	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 loft conversion and insertion of 1 no. flat roof 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.

DRAFT APPROVED



Development Management Team Leader

Date: 21/05/25