

Received Date	2 October 2024
Expires:	27 November 2024
Application Number:	242472
Site:	Arlington, Basingstoke Road, Spencers Wood, Wokingham, RG7 1AE
Application:	Application for a certificate of lawfulness for the proposed loft conversion to create habitable accommodation along with insertion roof lights, erection of a rear dormer, internal alterations plus removal of 2no. existing rear chimneys.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
33445	Proposed two storey rear extension to enlarge kitchen and form utility room and WC, bedroom and bathroom.	04/07/1989	Approved	3 (see below)
041241	Proposed first floor side extension to dwelling.	01/02/2005	Approved	None
241627	Application for a certificate of lawfulness for the proposed erection of a rear dormer along with loft conversion to create habitable accommodation to include 2no roof lights to the front plus removal of 2no existing rear/side chimneys.	02/09/2024	Refused	None

Condition 3 of planning application 33445 reads:

“Notwithstanding the provisions of the Town and Country Planning General Development Order, 1988 (or any order revoking or re-enacting that Order) there shall be no further alteration to any elevation of the dwelling as extended by this permission and no additional window or extension shall be constructed without the prior written permission of the District Planning Authority.”

This application features the same proposal as the refused permission detailed above, 241627. The difference between this current application and the previous application is that the applicant has demonstrated that the two storey rear extension approved under application 33445 was never implemented. Therefore Condition 3 of planning application 33445 which restricted permitted development rights at the site is not valid as the permission was never implemented. The application site therefore still benefits from permitted development rights.

2. Site Description

The application site features a semi-detached property that is located in a predominantly residential area in Spencers Wood.

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 any wildlife and habitat designations, being located in an area that holds the potential to support bat roosts.

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 is a certificate of lawfulness for the proposed erection of a rear dormer along with a loft conversion to create additional habitable accommodation to include 2 no. rooflights to the front elevation, plus the removal of 2 no. existing rear/side chimneys.

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)?		✓

			Yes	No
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?		✓
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 facilitated by the erection of a rear dormer and the insertion of rooflights on the front elevation 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: 18/10/24