

Received Date:	3 September 2024
Expires:	29 October 2024
Application Number:	242257
Site:	18 Radcot Close, Woodley, Wokingham, RG5 3BG
Application:	Application for a certificate of lawfulness for the proposed conversion of the existing integral storage area into a study room along with changes to fenestration.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
07769	25 houses and garages on plots 8-29 and 34-36	16/03/1978	C/A	Yes – No.2

2. Site Description

A detached dwellinghouse with an integral garage.

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 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 application seeks a certificate of lawfulness for the “proposed conversion of the existing internal storage area into a study room along with changes to fenestration”. For clarity, it should be noted that the ‘existing internal storage area’ referred in the description relates to the domestic garage space that is ancillary to the host property, 18 Radcot Close. No planning permission, subsequent to the original consent (07669), has since been granted to modify this space to anything other than that of a domestic garage. Hence, for the purpose of considering this application, the area of ‘existing internal storage area’ is considered to be domestic garage, notwithstanding any internal partition walls that may have already been added to the property.

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? Yes – the planning consent for the construction of the dwelling was subject to a condition which restricts the use of all garages as domestic garages only and their conversion into living accommodation. It is noted that the existing garage space has been subdivided, and currently cannot accommodate car parking, however the condition restricts the conversion of this space into living accommodation. Hence, the proposal would breach this condition and planning permission is required for the proposed conversion.	✓	
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		✓

			Yes	No
		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 dwellinghouse?		N/A
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		N/A
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) Prior Approval via the 'Neighbours Notification Scheme' is required		N/A
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
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
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
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.		N/A
A.2(a)	19	Article 2(3) land (inc. conservation areas):		N/A

			Yes	No
		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?		N/A
A.2(c)	21	c. Would the extension have more than a single storey and extend beyond the rear wall of the original dwellinghouse?		N/A
	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 conversion of the existing internal storage area to create additional habitable accommodation with fenestration changes constitutes development requiring planning permission. Permission **is not** available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, because condition 2 of planning consent 07769 restricts permitted development rights.

Condition 2 of planning consent 07769 states: *"The garages hereby permitted shall be built concurrently with the dwellings on the site. The garages shall be used as domestic garages only and shall not be used for business purposes. Furthermore, the garages shall not be converted into living accommodation without the prior permission of the District Planning Authority."*

Reason: In the interests of amenity and to ensure that the garages are retained in accordance with the District Planning Authority's parking standards. To avoid also the subsequent erection of garages of different designs and materials which would be likely to detract from the appearance of the development."

DRAFT APPROVED



Development Management Team Leader

Date: 18/10/24