

Received Date:	14 May 2025
Expires:	9 July 2025
Application Number:	251136
Site:	Fairview, 206 Old Woosehill Lane, Wokingham, RG41 3HQ
Application:	Application for a certificate of lawfulness for the proposed replacement conservatory roof.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
33925	Single storey side extension to provide conservatory.	17/08/1989	Approved	NA
12402	Dwellinghouse on land adjoining 204 Woosehill Lane.	17/01/1980	Approved	Condition 7: <i>Notwithstanding the provisions of the Town and Country Planning General Development Order , 1997, there shall be no structural alterations to the elevations of the development hereby approved (including windows) and no additions or extensions shall be constructed without the prior written permission of the District Planning Authority.</i> <i>Reason:</i> (a) <i>To prevent an overdevelopment of the site.</i> (b) <i>To safeguard the amenities of the adjoining properties.</i> OFFICER COMMENT: The proposed replacement roof would be an alteration, rather than an addition or an extension with no structural alterations required to the elevations.
10454	Outline application for erection of dwellinghouse on land adjoining 204 Woosehill Lane.	04/05/1979	Recommends approval	NA

2. Site Description

The application site consists of a two-storey detached property located on a corner plot on the western side of Old Woosehill Lane, Wokingham.

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 located in an area suitable for 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 C) grants planning permission for alterations to the roof of a dwellinghouse other than the enlargement of the 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 proposal relates to a certificate of lawfulness for a proposed replacement conservatory roof. The existing glazed roof would be replaced with slate tiles. The existing roof rafters would be retained.

7. Assessment against legislation:

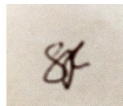
			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
Art.3 (5)	4	Are the building operations involved in the construction of 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 would 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?		✓
	11	Would it affect a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval may be needed.</i>		✓

8. Conclusion:

The proposal would be permitted development.

DRAFT APPROVED



Development Management Team Leader

Date: 4.7.25