

Received Date	16 January 2025
Expires:	13 March 2025
Application Number:	250086
Site:	28 Proctors Road, Wokingham, RG40 1RP
Application:	Application for a certificate of lawfulness for the proposed part conversion of the detached double garage to habitable accommodation with an associated change to fenestration.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
242820	Application for a certificate of lawfulness for the proposed conversion of the existing internal garage into habitable accommodation along with changes to fenestration.	12 December 2024	Approve	
20122	Erection of double garage at rear	15 November 1983	Approve	The Garage shall be used as a domestic garage only
17183	Relocation of boundary wall rear garden	13 April 1982	Approve	

2. Site Description

This application relates to a detached property in the East of Wokingham. The area is an established residential area characterised by detached and semidetached dwellings.

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 E) grants planning permission for the erection of certain outbuildings, pools and fuel storage containers within the curtilage 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 proposal seeks permission to convert the double detached garage into a garden store and home office, along with replacing the existing window.

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 dwellinghouse lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Art.4	6	Is it within the curtilage of the dwellinghouse?	✓	

Conversion of garage to home office and garden store:

Condition No.3 on planning application 20122 dated April 13, 1982, states that *"The garage hereby permitted shall be used as a domestic garage only and it shall not be used for business purposes nor for any other purpose without the prior written permission of the district planning authority."* The proposed use of the garage is for domestic purposes and there would be no breach of this condition. The use of the outbuilding would be ancillary to the dwelling.

Replacement window:

The change to the window of the outbuilding would be considered De Minimis as it is the same size of the existing window and the only changes relate to the positioning of glazing bars. It does not overlook the public realm or neighbouring properties. Therefore this works of are of such a minor scale as not to require planning permission.

Conclusion:

The application is approved as the replacement window is considered a De Minimis development and the proposed use of the outbuilding would be for purposes ancillary to the main dwelling. The proposal does not breach the condition relating to the existing garage. Planning permission is not required for the works set out.

DRAFT APPROVED *MC*

Development Management Team Leader

Date: 12.02.2024