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|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Received Date:</b>      | 6 December 2024                                                                                                                                                    |
| <b>Expires:</b>            | 31 January 2025                                                                                                                                                    |
| <b>Application Number:</b> | 243079                                                                                                                                                             |
| <b>Site:</b>               | 10 Bakers Place, Woodley, Wokingham, RG5 4AX                                                                                                                       |
| <b>Application:</b>        | Application for a certificate of lawfulness for the proposed conversion of the detached garage to habitable accommodation with associated changes to fenestration. |

## 1. Relevant Planning History

| Application Number | Proposal                                                                                                                                         | Decision Date | Decision | Relevant Conditions |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|---------------------|
| F/2014/2105        | Proposed erection of 68 dwellings with associated roads, parking, amenity space, landscaping and creation of new access onto Loddon Bridge Road. | 02/04/2015    | C/A      | Yes – 19 & 23       |

## 2. Site Description

A semi-detached dwellinghouse with a detached single garage to the rear within a recent residential development in Woodley.

## 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 proposed conversion of the detached single garage to a habitable room and utility room incidental to the use of the dwellinghouse with associated fenestration changes.

## 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<br>Art.3<br>(4) | 3  | <p>Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?</p> <p><b>Yes – the planning consent for the construction of the dwelling was subject to a condition (condition 19) which restricts permitted development rights for any buildings, extensions or alterations to a dwelling under Schedule 2, Part 1, Classes A-E of the GPDO.</b></p> <p><b>Condition 23 also requires all parking spaces for the development to be permanently maintained and remain available for the parking of vehicles at all times. The approved Parking Strategy (ref: SO-003_SL-101 Rev.C) and Site Layout drawing (ref: SO-003_SL-100 Rev.E) confirm that the garages within the development constitute as parking spaces.</b></p> | ✓   |    |
| Art.3<br>(5)           | 4  | Are the building operations involved in the construction of the original building lawful?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ✓   |    |
| Art.3<br>(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<br>Pt. 1<br>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?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     | ✓  |

|        |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes | No  |
|--------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| A.1(d) | 11 | Would the height of the eaves of the part of the dwellinghouse 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 -<br>(i) fronts the principal elevation of the original house; or<br>(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:<br>(i) extend beyond the rear wall of the original dwellinghouse by more than:<br>4 metres in the case of a detached dwellinghouse<br>3 metres in the case of any other dwellinghouse; or<br>(ii) exceed 4 metres in height                                                                                                                                                                                                                                                                                                                             |     | N/A |
| A.1(g) | 14 | For a dwellinghouse not in article 2 (3) land ( <b>incl conservation area</b> ) if the enlarged part of the dwellinghouse is single-storey, would it either<br>(i) extend beyond the rear wall of the original dwellinghouse by more than:<br>8 metres in the case of a detached dwellinghouse<br>6 metres in the case of any other dwellinghouse; or<br>(ii) exceed 4 metres in height<br><br><b>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) <u>Prior Approval via the 'Neighbours Notification Scheme' is required</u></b> |     | N/A |
| A.1(h) | 15 | If the extension would be more than a single storey would it:<br>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or<br>(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:<br>(i) exceed 4 metres in height,<br>(ii) have more than a single storey, or<br>(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:<br>(i) the construction or provision of a verandah, balcony or raised platform,<br>(ii) the installation, alteration or replacement of a microwave antenna,<br>(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br>(iv) an alteration to any part of the roof of the dwellinghouse.                                                                                                                                                                                                                                                       |     | N/A |

|        |    |                                                                                                                                                                                                                                                    | Yes | No  |
|--------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| A.2(a) | 19 | Article 2(3) land ( <b>inc. conservation areas</b> ):<br>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? |     | N/A |
| 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?<br><i>* Does not affect Article 3 permission but separate TPO approval will likely be needed.</i>                                                                           |     | ✓   |

## 8. Conclusion

The proposed conversion of the detached single garage to a habitable room and utility room incidental to the use of the dwellinghouse 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 conditions 19 and 23 of planning consent F/2014/2105 restricts permitted development rights.

Condition 19 of planning consent F/2014/2105 states: *“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes (A, B, C, D and E) of Part 1 of the Second Schedule of the 1995 Order shall be carried out.*

*Reason: To safeguard the amenities of the occupiers of neighbouring properties, and preserve the character of the development. Plots are generally at or around minimum separation distances and amenity space sizes and so the Council wishes to assess the potential impact of such development. Relevant policies: NPPF, Wokingham Core Strategy Policy CP1, CP3 and the Wokingham Borough Council Borough Design Guide.”*

Condition 23 of planning consent F/2014/2105 states: *“No part of any buildings hereby permitted shall be occupied or used until the vehicle parking space has been provided in accordance with the approved plans. The vehicle parking space shall be permanently maintained and remain available for the parking of vehicles at all times.*

*Reason: To ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

DRAFT APPROVED



Development Management Team Leader

Date: 16/01/25