

ET Planning

Certificate of Proposed Lawful Use/Development

Penguin, Wargrave Road **Henley-on-Thames,** **RG9 3JD**

*Certificate of proposed lawful development for
extensions & outbuildings.*

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Contents

1. INTRODUCTION	1
2. SITE LOCATION AND DESCRIPTION	2
3. PLANNING HISTORY	2
4. DEVELOPMENT PROPOSALS	3
5. POLICY ASSESSMENT	4
6. CONCLUSION	18

1. Introduction

1.1 This statement is produced to support a planning application for the erection of the following extensions at Penguin, Wargrave Road, Henley on Thames RG9 3JD through permitted development rights:

- Rear dormer extension
- Hipped end roof extension
- Single storey side extension
- 2 outbuildings

1.2 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.

1.3 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents prepared by Shuan Tanner Architecture & Planning

- 1:1250 Site Location Plan. Reference 3993/100
- 1:100 Existing Site Plan. Reference 3993/101C
- 1:100 Existing Floor Plan. Reference 3993/102A
- 1:100 Existing Elevations. Reference 3993/103
- 1:100 Proposed Site Plan. Reference 3993/201D
- 1:100 Proposed Floor Plan. Reference 3993/202B

- 1:100 Proposed Floor Plan. Reference 3993/102A
- 1:100 Proposed Elevations. Reference 3993/203A
- 1:100 Outbuildings Proposed Plans and Elevations 3993/204A

1.4 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 The site is located along the A321, with the River Thames located southwest, bordering the site.
- 2.2 The waterfront dwelling is located easterly on a generous plot which comprises of the main house, two garden sheds and a garage. The site is accessible via a footpath parallel to the A321.
- 2.3 Extensions are common along the road with frequent applications for the erection of extensions, with many being approved by Wokingham Borough Council.
- 2.4 The site is located in Flood Zone 3a and is not located within a conservation area

3. Planning History

- 3.1 252421: Part Retrospective application for amending site levels and repairs to waterfront edging – pending consideration.
- 3.2 The area relating to 252421 is hatched on the site plan for this application, for clarity.

- 3.3 252020: Application for a certificate of lawfulness for the proposed erection of a single storey side extension, a first floor hipped end roof side extension and a rear dormer, plus erection of 2no, outbuildings – refused 15/10/2025.
- 3.4 This application addresses the reasons for refusal under 252020, ensuring that the proposals comprise permitted development.

4. Development Proposals

- 4.1 The proposal is for development within the curtilage of a dwellinghouse under permitted development. It comprises:

Main house Extension

- 4.2 Side extension with the width being no more than half the width of the existing house, and ridge no more than 4m from ground level, this has been amended on the revised plans from the previous application. The dormer extension to be 24.5 cubic metres and the hipped end roof to be 14.2 cubic metres.

Home Office Outbuilding

- 4.3 Gable roof out building with the ridge height being no more than 4m, and the eaves being no more than 2.5m as measured from the highest ground level. This has been moved from its location in the previous submission to ensure that it is not affected by application 252421; and to be wholly behind the principal elevation of the main dwelling.

Storage Outbuilding

- 4.4 The shed outbuilding has been designed to be no more than 2.5m from the highest adjacent ground level to the top of the roof. This has been amended from the previous submission to ensure that it is wholly behind the principal elevation of the main dwelling.

5. Policy Assessment

- 5.1 The Town and Country Planning (General Permitted Development) (England) Order (GPDO) allows for various extensions and improvements of properties to be sought such as side extensions, rear dormers, porches and outbuildings to be built without requiring planning permission to be sought, subject to them complying with the requirements of the Order.
- 5.2 The GPDO outlines what development is acceptable within different classes, with each class focussing on a different kind of enlargement or alteration which can be done without planning permission being required.
- 5.3 As the application site is not located on Article 2(3) land, there are no restrictions that limit the extensions that are available to the applicants.
- 5.4 Under the permitted development section 3(9A & 9B) it is confirmed that any development lawful under Schedule 2 must comply with space standards and the technical requirements listed alongside these standards.
- 5.5 It is confirmed that the proposed development meets the requirements of the national space standards in full, ensuring compliance with this component.
- 5.6 This statement seeks to obtain permission for the four items listed in paragraph 1.1 of this statement under permitted development. Therefore, the relevant criteria will be assessed in regard to each part of the proposal individually below.

5.7 The reasons for refusal of Application Reference: 252020 have been addressed through this amended proposal. The amendments are:

- The side elevation is now 4 metres from ground level, rather than from the finished floor level;
- The home office has been moved away from the area of land affected by application 252421 and is entirely behind the principal elevation of the main dwellinghouse;
- The proposed storage building is entirely behind the principal elevation of the main dwellinghouse; and
- The principal elevation line; and the area subject to application. 252421 are both denoted on the site plan.

5a) Proposed Single Storey Side Extension

5.8 Class A within Schedule 2 Part 1 of the Order considers the enlargement, improvement or other alterations of a dwellinghouse.

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

The proposal seeks to construct a single storey side extension, located to the east of the dwelling.

A1. Development is not permitted by Class A if-

a) Permission to use the dwellinghouse as a dwellinghouse has been granted by virtue of Class G, M, MA, N, PA or Q of Part 3 of this Schedule (changes of use)

The existing dwellinghouse has not been approved by these classes so there is no conflict with this limitation.

b) As a result of the works the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The ground covered by the single storey side extension, as well as the outbuildings sought under Class E, does not cover more than 50% of the total area of curtilage. Hence, there are no conflicts with this constraint.

c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the proposed extension will not exceed the height of the highest part of the roof of the dwellinghouse, as specified in the plans. Hence there are no conflicts with this constraint.

d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The eaves height of the proposed extension will not exceed the highest part of the roof of the dwellinghouse, as specified in the plans. Therefore, there are no conflicts with this constraint.

e) The enlarged part of the dwellinghouse would extend beyond a wall which-

- i) Forms the principal elevation of the original dwellinghouse; or**
- ii) Fronts a highway and forms a side elevation of the original dwellinghouse**

The proposed extension does not extend beyond a wall which forms the principal elevation of the original dwellinghouse, and the side elevation which is subject to the extension does not front a highway. There is, therefore, no conflict with this limitation.

f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-

- i) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or***
- ii) Exceed 4 metres in height***

No extension is proposed beyond the rear wall of the original dwellinghouse. The proposed extension will not extend more than four metres in height, as visualised in the plans and drawings, ensuring there is no conflict with this constraint.

g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and-

- i) Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or***
- ii) exceed 4 metres in height;***

The proposed extension would be to the rear; and would not exceed 4 storeys in height.

h) The enlarged part of the dwellinghouse would have more than a single storey and-

- i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres***

The proposal does not entail a two-storey extension, therefore there is no conflict with this restriction.

i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposed side extension will not be within 2 metres of the boundary of the curtilage of the dwellinghouse, ensuring no conflict with this constraint.

j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would-

i) Exceed 4 metres in height

ii) Have more than a single storey or

iii) Have a width greater than half of the width of the original dwellinghouse;

5.9 The proposed side extension will be single storey and will measure no more than 4 metres in height from ground level. This has been amended on the revised plans from the previous application. The proposal is therefore not in conflict with the above constraint.

The proposed extension will not exceed have than half the width of the original dwelling house.

Ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)

Not applicable.

k) It would 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***

Not applicable as none of the above elements are proposed.

- 1) The dwelling is built under Part 20 of the Schedule (construction of new dwellinghouse)***

Not applicable.

5.10 Section A.2 is relevant when the dwelling is located on article 2(3) land, which the dwelling is not located in this instance. These, these requirements are not applicable.

Conditions

A.3 Development is permitted by Class A subject to the following conditions-

- a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;***

Noted

- b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be-***

i) obscure-glazed, and

ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Noted

c) where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable

Section A.4 related to development under A.1(f) and A.1(g) ensuring that this is not applicable to the proposed works.

5.11 As confirmed above, the proposed single storey side extension complies with all of the requirements of Class A and the wider GPDO, ensuring that the proposed extensions are acceptable. It is therefore respectfully requested that the certificate of lawfulness is granted under Class A.

5b) Hipped End Roof Extension and the erection of a Dormer Window

Class B: Additions etc to the roof of a dwellinghouse Class B within Schedule 2 Part 1 of the Order considers the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

The proposal seeks to build a hipped end roof addition and a dormer extension under Class B of the GPDO.

B1. Development is not permitted by Class B if-

a) Permission to use the dwellinghouse as a dwellinghouse has been granted by virtue of Class G, M, MA, N, PA or Q of Part 3 of this Schedule (changes of use)

The existing dwellinghouse has not been approved by these classes so there is no conflict with this limitation.

b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

No part of the proposed roof extension or dormer would exceed the highest part of the existing roof as a result of the proposal, ensuring no conflict with this limitation.

c) Any part of the dwellinghouse would, 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

No part of the proposed roof extension or dormer would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway as a result of the proposal.

d) The cubic content of the resulting roof space would 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

The proposal would result in an additional 38.8 m³ added to the detached dwellinghouse, measuring less than 50 cubic metres, ensuring no conflict with this constraint.

e) it would consist of or include-

i) the construction or provision of a verandah, balcony or raised platform, or

ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

No verandah, balcony or raised platform are proposed as a result of this application, and no installation, alterations or replacement of a chimney, flue or soil and vent pipe will occur as a result of the roof alterations. Therefore, there is no conflict with this constraint.

f) The dwellinghouse is on article 2(3) land

The dwellinghouse is not on article 2(3) land, therefore this constraint is not applicable.

g) The dwellinghouse is built under part 20 of this Schedule (construction of new dwellinghouses).; or

The dwellinghouse has not been constructed under part 20 of this schedule, hence there is no conflict with this constraint.

h) The existing dwellinghouse has been enlarged in reliance on the permissions granted by Class AA

(enlargement of a dwellinghouse by construction of additional storeys).

Not applicable.

Conditions

B.2 Development is permitted by Class B subject to the following conditions-

a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Noted.

b) the enlargement must be constructed so that-

i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

aa) the eaves of the original roof are maintained or reinstated; and

bb) the edges of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

In regard to the rear dormer proposed, the edges of the dormer will be no less than 0.2 metres from the outside edge of the eaves, ensuring compliance with this condition.

ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part

of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

Not applicable.

c) any windows inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-

i) obscure-glazed, and

ii) non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Noted.

5.12 As confirmed above, the proposed hip-to-gable conversion and rear dormer comply with all of the requirements of Class B and the wider GPDO, ensuring that the proposed extensions are acceptable. This was confirmed through the officer's assessment of the previous certificate. It is therefore respectfully requested that the certificate is granted under Class B.

5c) Erection of two outbuildings on site (Office and Storage)

Class E within Schedule 2 Part 1 of the Order considers the development of buildings etc incidental to the enjoyment of a dwellinghouse'.

Permitted development:

E. The provision within the curtilage of the dwellinghouse of-

a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the

dwellinghouse as such, or the maintenance, improvements or other alterations of such a building or enclosure; or

b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

The proposals include a home office for the occupants of the main dwelling, meeting criteria E(a). The storage outbuilding is also incidental to the maintenance of the existing dwelling, thus meeting criteria E(a)

E.1 Development is not permitted by Class E if-

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA, or Q of Part 3 of this Schedule (changes of use);

The existing dwellinghouse has not been approved by these classes so there is no conflict with this limitation.

b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

For clarity, the total floorspace including the extensions and outbuildings is **269.8sqm.**

Therefore, the total area of ground covered by the proposed outbuildings, as well as the extension sought under Class A, within the curtilage will not exceed 50% of the total area of the curtilage, so there is no conflict with this limitation.

c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The 'principal elevation' line annotated on the proposed site plan demonstrates that the proposed home office and storage outbuilding would be behind the principal elevation of the original dwellinghouse. This has been amended from the previous submission and has been clearly marked on the site plan.

d) the building would have more than a single storey

The proposed outbuildings are single storey, ensuring there is no conflict with this limitation.

e) the height of the building, enclosure or container would exceed-

i) 4 metres in the case of a building with a dual-pitched roof,

ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

iii) 3 metres in any other case

The shed would be 2.5 metres in height; and the home office would be dual pitched and 4 metres in height, ensuring that both outbuildings comply with this limitation.

f) the height of the eaves of the building would exceed 2.5 metres;

The height of the eaves of the proposed outbuildings would be less than 2.5, ensuring there are no constraints with this limitation.

g) the building, enclosure, pool, or container would be situated within the curtilage of a listed building

The site does not comprise a listed building.

h) it would include the construction or provision of a verandah, balcony, or raised platform

The proposal does not include the provision of a verandah, balcony or raised platform, ensuring there is no conflict with this limitation.

i) it relates to a dwelling or a microwave antenna;

There will be no construction of a dwelling or a microwave antenna, ensuring there is no conflict with this limitation.

j) the capacity of the container would exceed 3,500 litres-; or

The proposal does not constitute a container; hence, this limitation is not applicable.

k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The dwelling has not been built under part 20 of this Schedule, and therefore this limitation is not applicable.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within-

a) an area of outstanding natural beauty;

b) the Boards;

c) a National Park; or

d) a World Heritage site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The land within the curtilage of the dwelling does not fall within any of the above categories, hence the development can exceed 10 square metres.

E.3 in the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall formatting a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The site is not located within Article 2(3) land; hence this limitation is not applicable.

- 5.13 As confirmed above, the proposed outbuildings do not conflict with Class E of the GPDO. Consequently, these outbuildings should be approved due to their compliance with the relevant legislation.

6. Conclusion

- 6.1 In conclusion, it is clear that the proposed side extension complies with Class A; the proposed roof alterations comply with Class B; and whilst the proposed outbuildings comply with Class E of the General Permitted Development Order.
- 6.2 Therefore, the proposed works all comply with the relevant sections of the General Permitted Development Order. The various amendments to the property fully comply with the requirements of the Order and therefore are lawful without the need for express planning permission to be sought.

- 6.3 The area denoted in the plan is subject to a separate application referenced in the officer's report and, following the relocation of the proposed home office, does not affect this application. All previous points of conflict with the GPDO have been resolved through this resubmission. As such, it is respectfully requested that the proposed development is certified, and a certificate of proposed lawfulness is granted to evidence the proposed works are lawful.