

Received Date:	27 June 2025
Expires:	22 August 2025
Application Number:	251525
Site:	47 Samborne Drive, Wokingham, RG40 1GF
Application:	Application for a certificate of lawfulness for the proposed loft conversion to create habitable accommodation along with installation of additional roof lights.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
O/2010/1712	Outline application for a development of 34.71 hectares of land to provide up to 650 dwellings, including 35% affordable housing within which there will be 18 units of dementia care housing, first stage of southern distributor road with new vehicular access junction to London Road, secondary access to London Road and two additional cul-de-sac accesses serving residential properties fronting London Road, a two-form entry primary school with a foundation unit, multi-use games area (MUGA) and playing fields, children's play facilities, a local neighbourhood centre, Suitable Alternative Natural Greenspace (SANG) incorporating a community orchard, land for allotments and sustainable urban drainage systems (SUDS). (Means of access to be determined.)	18 th December 2012	Approve	Condition 9

2. Site Description

Two storey end of terrace dwelling located in the residential area of 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 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 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: Loft conversion to create habitable accommodation along with installation of additional roof lights.

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)?	✓	
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?		✓

			Yes	No
	11	Would it affect a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval may be needed.</i>		✓

The proposed loft conversion to create habitable accommodation along with installation of additional roof lights constitutes development requiring planning permission. Permission is not available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal not being in accordance with Schedule 2 (Part 1) (Class C) of the Order. This is because Condition 9 of consent O/2010/1712 (18/12/2012) states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (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 (or any Order revoking and re-enacting that Order with or without modification) shall be carried out. To safeguard the character of the area and residential amenity of neighbouring properties.

DRAFT APPROVED

Development Management Team Leader

BJC

Date: 11.08.25