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|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Received Date:</b>      | 23 September 2024                                                                                                                                                                                                                                            |
| <b>Expires:</b>            | 18 November 2024                                                                                                                                                                                                                                             |
| <b>Application Number:</b> | 242394                                                                                                                                                                                                                                                       |
| <b>Site:</b>               | 3 Robin Hood Lane, Winnersh, Wokingham, RG41 5LU                                                                                                                                                                                                             |
| <b>Application:</b>        | Application for a certificate of lawfulness for the proposed hip to gable extensions and installation of a rear dormer and rooflights to facilitate conversion of the loft to habitable accommodation, plus changes to fenestration and insertion of a flue. |

## 1. Relevant Planning History

| Application Number | Proposal                                                                                                                                                | Decision Date | Decision | Relevant Conditions |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|---------------------|
| BR3546             | Single Storey extension                                                                                                                                 | 21/10/1975    | Approved | N/A                 |
| FP99/8501          | Extension and alteration                                                                                                                                | 08/03/1999    | Approved | N/A                 |
| 160892             | Application for a certificate of lawfulness for the proposed erection of single storey outbuilding following demolition of existing timber outbuilding. | 24/05/2016    | Approved | N/A                 |
| 171690             | Application for a certificate of lawfulness for the proposed erection of single storey side and rear extension to dwelling.                             | 06/07/2017    | Refused  | N/A                 |
| 172098             | Householder application for proposed erection of single storey side extension plus replacement pitch roof to rear.                                      | 04/09/2017    | C/A      | N/A                 |

## 2. Site Description

Two storey detached dwelling.

## 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:**

Proposed hip to gable loft conversion and rear dormer.

### **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  | Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?                                                                                                                                                                                                                                                                                                |     | ✓  |
| Art.3<br>(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<br>Pt. 1<br>B    | 6  | Does it consist of the enlargement of a dwellinghouse by addition or alteration to its roof?                                                                                                                                                                                                                                                                                                             | ✓   |    |
| B.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)?                                                                                                                                                                                                                                                |     | ✓  |
| B.1(b)                 | 8  | Would any part of the dwellinghouse, as a result of the works, exceed the height of the highest part of the existing roof?                                                                                                                                                                                                                                                                               |     | ✓  |
| B.1(c)                 | 9  | Would any part of the dwellinghouse, 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?                                                                                                                                                                                                         |     | ✓  |
| B.1(d)                 | 10 | Would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than:<br>(i) 40 cubic metres in the case of a terrace house, or<br>(ii) 50 cubic metres in any other case?<br><br>**Volume Calculations from agent:<br>Proposed Hip to gable = 16.14m <sup>3</sup><br>Proposed Rear dormer = 26.12m <sup>3</sup><br>Total increase = 42.24m <sup>3</sup> |     | ✓  |
| B.1(e)                 | 11 | Would it consist of or include:                                                                                                                                                                                                                                                                                                                                                                          |     |    |

|        |    |                                                                                                                                 | Yes | No |
|--------|----|---------------------------------------------------------------------------------------------------------------------------------|-----|----|
|        |    | (i) the construction or provision of a verandah, balcony or raised platform?                                                    |     | ✓  |
|        |    | (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe?                                      |     | ✓  |
| B.1(f) | 12 | Is the dwellinghouse on Article 2(3) land? (inc. conservation areas)                                                            |     | ✓  |
|        | 13 | Would it affect 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 hip to gable loft conversion and rear dormer constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class B) of the Order.

## 9. Relevant details of the proposal

Proposed installation of roof lights.

## 10. 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     | 3  | Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?                                                                                                                              |     | ✓  |
| Art.3<br>(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<br>Pt. 1<br>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 consist of or include:<br>(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br>(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment? |     | ✓  |
|                     | 11 | Would it affect a TPO'd tree?<br><i>* Does not affect Article 3 permission but separate TPO approval may be needed.</i>                                                                                                                |     | ✓  |

## 11. Conclusion

The proposed installation of roof lights constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class C) of the Order.

## 12. Relevant details of the proposal

Proposed installation of a flue.

## 13. 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  | Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?                                                                                                                                       |     | ✓  |
| Art.3<br>(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?                                                                                                                                                                                       |     | ✓  |
| Sch.2<br>Pt. 1<br>G      | 6  | Would the development comprise the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse?                                                                                                         | ✓   |    |
| Sch.2<br>Pt. 1<br>G.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)?                                                                                       |     | ✓  |
| G.1(b)                   | 8  | Would the height of the chimney, flue or soil and vent pipe exceed the highest part of the roof by one metre or more?                                                                                                                           |     | ✓  |
| G.1(c)                   | 9  | <u>Article 2(3) land:</u><br>Would the chimney, flue or soil and vent pipe be installed on a wall or roof slope which both:<br>(i) fronts a highway, and<br>(ii) forms either the principal elevation or a side elevation of the dwellinghouse? |     | ✓  |
|                          | 10 | 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 may be needed.</i>                                                                                |     | ✓  |

## 14. Conclusion

The proposed installation of a flue constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class G) of the Order.

DRAFT APPROVED *MC*

Development Management Team Leader

Date: 14.11.2024