

Received Date	19 December 2025
Expires:	13 February 2026
Application Number:	253037
Site:	19 Mimosa Drive, Shinfield, Wokingham, RG2 9AQ
Application:	Application for a certificate of lawfulness for the proposed erection of a hip to gable roof extension to facilitate loft conversion to create habitable accommodation along with insertion of roof lights.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
991030 (O/1999/70199)	Outline Application For The Proposed Erection Of 118 Dwellings.	14/10/1999	Refused	NA
990200 (O/1999/69109)	Outline Application For The Proposed Erection Of 118 Dwellings.	21/01/2000	Allowed at Appeal	None
002089 (O/2000/2292)	Outline application for the proposed erection of 142 dwellings consisting of 35 x 2 bedroom, 79 x 3 bedroom and 28 x 4 bedroom houses.	29/11/2000	Approved	None
040654 (RM/2004/1021)	Reserved matters on outline consent O/2003/8525 for the erection of 164 dwellings with associated works.	07/07/2004	Approved	None
040655 (RM/2004/1022)	Application for reserved matters on outline consent O/2003/8525 for the erection of 164 dwellings with associated works.	07/07/2004	Approved	None
042311 (RM/2004/3143)	Reserved matters on outline consent O/2003/8525 for the erection of 164 dwellings. Adjustment to the layout of plots 19 - 30 and minor highway amendments.	15/12/2004	Approved	None
050077 (RM/2005/4394)	Application for reserved matters on outline consent O/2003/8525 for the erection of 164 dwellings. Alteration to house types on plots 100 - 132.	18/05/2005	Approved	None

2. Site Description

A three storey, semi-detached property located on the northern side of Mimosa Drive, Shinfield.

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 located in an area suitable for bat roosts.

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 B) grants planning permission for the "*enlargement of a dwellinghouse consisting of an addition or alteration to its roof*".
- 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 relates to a certificate of lawfulness for a proposed hip to gable roof extension to facilitate a loft conversion with two rooflights in the front elevation and two rooflights in the rear elevation.

7. Assessment against legislation:

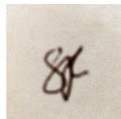
			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. 1 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?		✓

			Yes	No
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: (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case?		✓
B.1(e)	11	Would it consist of or include: (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? <i>* Does not affect Article 3 permission but separate TPO approval will likely be needed.</i>		✓

8. Conclusion:

The proposed detached outbuilding constitutes development, and this requires planning permission. Permission IS available 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.

DRAFT APPROVED



Development Management Team Leader

Date: 9.2.26