

DELEGATED APPLICATION REPORT

Ward: Emmer Green Ward

App Ref: PL/24/1398 Lawful development: Existing use

Address: 181 HENLEY ROAD, CAVERSHAM, READING, RG4 6LH

Proposal: Certificate of Lawful Development (existing) for 2 dormer extensions.

Applicant: Mr Arshad Mogal

Received date: 21/10/2024

Target Decision date: 19/12/2024

Case Officer: James Schofield

Site Description

The application site is a two-storey detached dwelling located on the south side of Henley Road in Caversham.

Description of Use or Development

Certificate of lawfulness for existing use is for roof alterations which have been constructed recently. The applicant is applying for a CLEUD on the basis that the dormer loft extensions would not have required planning permission as it would comply with the limitations and conditions within the General Permitted Development Order under Class B, Part 1, Schedule 2, which relate to 'additions etc to the roof of a dwellinghouse' and 'other alterations to the roof of a dwellinghouse'.

Relevant Planning History

PL/24/0960/HOU - Partly retrospective application, 4m rear extension at Lower Ground Floor and Ground Floor levels, a loft conversion including the erection of two dormer extensions on both sides of the roof, the enlargement (demolition and rebuilding) of the existing outbuilding and the creation of a new platform to accommodate off-street parking. Withdrawn.

Relevant Planning Policy and Guidance

Section 191 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and is so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not planning permission. The planning merits of use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that 'The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use (section 191 of the Town and Country Planning Act 1990), if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'.

Other relevant policy and guidance are:

- Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).
- Permitted development rights for householders - Technical Guidance September 2019

Consultations

- Planning Enforcement - The above referenced planning application resulted in the development being referred to Planning Enforcement (case: PE/24/0169). This breach resulted in him agreeing to reduce the size of the dormers and submitting this CLE, which he has done with this application.

Submitted Evidence

The agent submitted the following information:

Application Form

Cover Letter

Drwg No. S-01 Ordinance Survey Map

Drwg No. S-02 Existing Site Plan

Drwg No. S-03 Existing Floor Plans

Drwg No. S-04 Existing Floor Plans

Drwg No. S-05 Existing Floor Plans

Drwg No. S-06 Existing Sections

Drwg No. S-07 Existing Elevations

Drwg No. S-08 Existing Elevations

Drwg No. S-09 Proposed Site Plan

Drwg No. S-10 Proposed Floor Plans

Drwg No. S-11 Proposed Floor Plans

Drwg No. S-12 Proposed Floor Plans

Drwg No. S-13 Proposed Sections

Drwg No. S-14 Concept Elevations

Drwg No. S-15 Concept Elevations

As received on the 21st of October 2024

Analysis of Evidence

The applicant has submitted a lawful development certificate in order to confirm that the two dormer windows fall within the permitted development rights of the property.

The applicant has submitted evidence in the form of a scaled and annotated plans to demonstrate it meets the specifications of the GDPO.

The relevant part of the GDPO states that:

B.1 Development is not permitted by Class B 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);

Complies.

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

Complies.

(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;

Complies.

(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

Complies.

(ii) 50 cubic metres in any other case;

Complies,

(e) it would consist of or include—

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

Complies.

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

Complies.

(f) the dwellinghouse is on article 2(3) land.; or

Complies.

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

Complies.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Complies.

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;

Complies.

(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 edge 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

Complies, 0.20-0.30 metres.

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

Complies, plans annotated to this effect

- (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.

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4. For the purposes of paragraph B.2(b)(ii)—

- (a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and
- (b) “rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

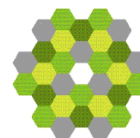
Having regard to the foregoing, it is considered that on the balance of probability, that the roof alterations to 181 Henley Road, Caversham, Reading meet the requirements of Class B of the GDPO.

Recommendation
Grant Certificate



HM Land Registry
Official copy of
title plan

Title number **BK508900**
Ordnance Survey map reference **SU7174NW**
Scale **1:1250**
Administrative area **Reading**



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