

FAO Chief Planning Officer
Planning Department
Reading Borough Council,
Bridge St, Reading
RG1 2LU

Our Reference: ETP251487
Date: 5 September 2025

Dear Sir/Madam,

Re: Application for a Certificate of Lawfulness of Proposed Development at 24 Baker Street, Reading, RG1 7XX

I am pleased to enclose an application for a Certificate of Lawfulness for Proposed Development to the residential dwelling at **24 Baker Street, Reading, RG1 7XX**. This submission involves the erection of a single storey outbuilding within the rear garden of the property, incidental to the use of the host dwelling.

This letter will introduce the meaning of 'development' in accordance with the Town and Country Planning Act 1990 and introduce the allowances of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'). This letter shall set out how the development accords with the provisions and conditions as set out within the GPDO to enable determination by the planning officers at the Council. The conclusion reached is that the development is lawful and should be duly granted a Certificate of Lawfulness.

This application is accompanied by the appropriate planning application forms and the following supporting plans prepared by Hives architects:

- 2906 B001P2 – Site Location Plan
- 2906 B002P2 – Proposed Plans And Elevations

Relevant Legislation

Section 55(1) of the Town and Country Planning Act 1990 (as amended) defines Planning development as *'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'*.

The GPDO provides householders with permitted development and prior approval rights to extend their homes under Schedule 2, Part 1. Class E permits *'buildings etc incidental to the enjoyment of a dwellinghouse'*. Such development shall be subject to its accordance with the relevant criteria set out below.

Section 192 of the Town and Country Planning Act 1990 and Section 10 of the Planning and Compensation Act 1991 set out that an individual can apply to the

Local Planning Authority to establish whether a proposed use or operation would constitute lawful development.

A separate Certificate of Lawfulness application is to be submitted for the use of the property as a C4 House in Multiple Occupation (HMO) as opposed to a C3 family dwellinghouse. However, in either Use Case scenario, the property benefits from the relevant permitted development rights as it does not contain any separate self-contained flats. This is consistent with the judgement of *London Borough of Brent v Secretary of State for Levelling up, Housing and Communities* [2022] EWHC 2051 (Admin) (Appendix 1).

Assessment of Proposals

The property has its permitted development rights intact; there are no planning conditions imposed to restrict such rights (the property has no apparent planning history), nor does the site lie in an area subject to a relevant Article 4 Direction.

The proposal constitutes the erection of an outbuilding and is therefore assessed under Schedule 2, Part 1, Class E of the GPDO as follows:

Class E – buildings etc incidental to the enjoyment of the dwellinghouse

Incidental Use

The proposed outbuilding is considered to be of a size proportionate to its proposed incidental operation. It is not needlessly larger than what its purpose requires. Specifically, the outbuilding would

Development not permitted

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

M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwelling 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);

The total area of ground covered by buildings within the curtilage does 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 proposed outbuilding is not situated on land forward of a wall forming the principal elevation of the original dwellinghouse, so there is no conflict with this limitation.

The principal elevation of the original building is specifically highlighted on the submitted plans.

(d) the building would have more than a single storey;

The proposed outbuilding is no more than a single storey. It forms one storey set across varying land levels.

(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 outbuilding would be sited 2 metres or more from the boundaries of the curtilage of the dwellinghouse, and would not exceed 4 metres.

It is noted that the fencing & walls present on site do not represent the actual property boundaries. There may have been some 'land-grabbing' by other properties involved, however the title deeds (Appendix 2) are clear in defining the property's extent, and consequently in this case the extent of the curtilage.

The red line of the submitted plans shows the accurate extent of the property curtilage, notwithstanding any current placements of walls or fences.

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

The height of the applicable section of the eaves of the outbuilding would not exceed 2.5 metres, and this is based on the definition of eaves provided in page 12 of the Technical Guidance.

"Height" - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)

Figure 1: Extract from page 6 of the Technical Guidance

Figure 1 provides explicit reference to eaves height, and outlines that where ground level is not uniform, then the ground level is the highest part of the surface next to the building. Therefore, as the eaves height of the proposed outbuilding taken from the highest part of the surface of the ground next to the building as a whole is 2.5 metres, this criterion is met.

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

The building is not situated within the curtilage of a listed building, so there is no conflict with this limitation.

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

(i) it relates to a dwelling or a microwaves antenna;

There will be no such construction of these additional elements, therefore there is not conflict with this limitation.

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

The proposed development is not a container, so this limitation is not relevant.

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

The dwellinghouse has not been built under Part 20 of Schedule 2, so the limitation is not relevant.

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 Broads;

(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 does not fall within any of the above categories, therefore the development can exceed 10 square metres.

E.3

a) 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 forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The dwellinghouse lies within a Conservation Area, which is Article 2(3) land. However, none of the development would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Conclusion

There are no other limitations in the GPDO relevant to this application, nor are there any planning conditions which restrict permitted development rights to undertake the proposed development. Thus, it is suitably demonstrated that the proposed development complies with Schedule 2, Part 1, Class E of the GPDO, and therefore the Certificate of Lawfulness is requested to be granted.

I trust that this letter, in addition to the accompanying plans are sufficient for you to make a determination. If you require additional information please do not hesitate to contact me.

Yours faithfully,



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