

DELEGATED APPLICATION REPORT

Ward: Norcot ward

App Ref: PL/25/1591 Lawful development: Proposed use

Address: 6 MORISTON CLOSE, READING, RG30 2PW

Proposal: Proposed garage conversion

Applicant: Mr Nathan Harley

Received date: 06/11/2025

Target Decision date: 30/01/2026 (EOT)

Case Officer: Chukwudi Onwudinanti

1. SITE DESCRIPTION

The application site is an end-terrace three-storey dwelling at the west end of Morison Close. The dwelling is part of an identical terrace which originally comprised garages on the ground floor, however, a number of dwellings within the terrace have converted their garages to habitable rooms. The property has a front driveway. The surrounding area is residential.



2. PROPOSAL AND SUPPORTING INFORMATION

A Certificate of Lawfulness is sought for the proposed garage conversion under Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.



Proposed Front Elevation

MATERIALS

Walls: Red/Brown facing brickwork to match existing

Doors : White to match existing

Window: White to match existing

2.1. Information submitted:

6MC.MP01 Proposed Elevations and Plans, received by the LPA on 6 November 2025

3. RELEVANT PLANNING HISTORY

None relating to the host property.

T.P. 9056 – Development on land adjacent to Craig Avenue at the rear of Stratly Close, Tilehurst, Reading, by the erection of 23 3-bed houses, 6 aged persons bungalows and 12 aged persons flats. Application permitted on 17th January 1975. Original planning permission does not restrict the use or conversion of garages which are part of the original design of the site.

4. CONSULTATIONS

No consultations were undertaken as it is not required for an application of this type.

5. LEGAL AND PLANNING POLICY CONTEXT

Section 10 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 if 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 a planning permission. The planning merits of the 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 "In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. In determining an application for a prospective development under section 192 of the Town & Country Planning Act a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes."

6. APPRAISAL

A Certificate of Lawfulness for a Proposed Development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The proposal must be assessed to ensure that it complies with the conditions Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Development is not permitted by Class A 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); **NO**
- (b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **NO**
- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **NO**
- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—
 - a. forms the principal elevation of the original dwellinghouse; **NO**
 - b. or fronts a highway and forms a side elevation of the original dwellinghouse; **NO**
- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
 - a. extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - b. exceed 4 metres in height; **N/A**
- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - c. exceed 4 metres in height, **NO**
 - d. have more than a single storey, or **NO**
 - e. have a width greater than half the width of the original dwellinghouse; or **NO**
- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j); **NO**
- (k) It would consist of or include—
 - f. the construction or provision of a verandah, balcony or raised platform,
 - g. the installation, alteration or replacement of a microwave antenna,
 - h. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - i. an alteration to any part of the roof of the dwellinghouse.; or **NO TO ALL**
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **NO**

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (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; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed internal conversion itself is not defined as development under S55 of the Town and Country Planning Act 1990, as long as the created space is ancillary to the host dwelling in use as a C3 Class dwellinghouse. The proposed works relating to the removal of the garage door and replacement with a wall and window meet the conditions of the relevant class as set out above.

7. CONCLUSION

The proposal has been assessed against S55 of the Town and Country Planning Act 1990 (as amended) and Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and it has been confirmed that the proposal would be lawful, on the basis of the following submitted drawings:

6MC.MP01 Proposed Elevations and Plans, received by the LPA on 6 November 2025

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed works. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

8. RECOMMENDATION

GRANT CLP