

DELEGATED APPLICATION REPORT

Ward: Church ward

App Ref: PL/25/0534 CLOPUD

Address: 3 CHAGFORD ROAD, READING, RG2 8AY

Proposal: Erection of single storey outbuilding for purposes incidental to the enjoyment of the main dwellinghouse

Applicant: Mr & Mrs Sadowska

Received date: 04/04/2025

Target Decision date: 30/05/2025

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site is a semi-detached two-storey dwelling on the south side of Chagford Road. The property at the time of this report has a two-storey side extension (planning decision ref. PL/23/1357) and single storey rear and side extensions (planning decision ref. PL/24/0320).

2. PROPOSAL AND SUPPORTING INFORMATION

A Certificate of Lawfulness for Proposed Development is sought for an outbuilding within the rear garden. This outbuilding previously made up the rear/side extension to the host dwelling and was recently severed from the rear extension to become a standalone outbuilding. The outbuilding is existing, and not proposed.

2.1. Information Submitted:

Cover Letter

Proposed and Existing Drawings Nos. 1-10

Received 4 April 2025

3. RELEVANT PLANNING HISTORY

PL/25/1198 - Certificate of lawfulness for the erection of an outbuilding within the rear garden. Application refused.

PL/24/0320 - Retrospective application for single storey rear extension. Application refused and dismissed at appeal.

PL/23/1357 - Two storey side extension, two single storey rear extensions and garage conversion. Permission granted subject to removal of the "garden room".

PL/21/0941 - Single storey side and rear extension. Application refused.

PL/19/1134 - Single storey rear extension (part-retrospective). Permission granted.

PL/18/1220 - Single storey rear extension (retrospective). Application refused.

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.

Article 3, Paragraph (4) of the GPDO states:

Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 or Part 13 of the Act otherwise than by this Order.

The most recent planning permission on the site (PL/23/1357) contains Condition 4 which requires the area referred to as "garden room" to be demolished prior to commencement of proposed works. The "garden room" is the area which has been severed to create the outbuilding. Therefore, granting of the Certificate would be contrary to Condition 4 of this planning permission, and the Certificate for this reason should be refused.

It is also noted that the submitted drawings do not accurately reflect the site, as the existing drawings do not show the full extent of the rear extension, and the site block plans do not represent the correct layout and size of the outbuilding.

7. RECOMMENDATION

The application is refused in line with Article 3, Para (4) of the GPDO, as it is the case that the outbuilding would be contrary to Condition 4 of planning permission ref PL/23/1357 which requires the outbuilding to be demolished before the commencement of the proposed works.