

CASE OFFICER'S (HAL) REPORT ON APPLICATION NUMBER 24/01099/CERTP



**Site: 2 West End Road
Mortimer Common
Reading
RG7 3SY**

MEMBER EXPIRY DATE - 17.07.2024

INTRODUCTION

This application seeks a lawful development certificate (proposed) for: Conversion of existing double garage into habitable accommodation, filling in the covered link between the garage and the house, a new flat roof over the existing garage, link and existing single storey side extension. New driveway in permeable surfacing.

PLANNING HISTORY

There is no relevant planning history for this site.

PROCEDURAL MATTERS

An application for a lawful development certificate seeks to confirm whether a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990. If the local planning authority is satisfied that the appropriate legal tests have been met, it must grant a lawful development certificate. A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

There is no statutory requirement to consult third parties including parish councils or neighbours. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 does not constitute permitted development unless the local planning authority has adopted a screening opinion to the effect that an Environmental Impact Assessment is not required. Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2.

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on

new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Development commenced under permitted development is liable to pay CIL.

CONSTRAINTS AND DESIGNATIONS

Article 2(3) land: Conservation Area / Area of Outstanding Natural Beauty: N/A

Article 4 Direction: N/A

Listed Building: N/A

Scheduled Ancient Monument: N/A

Within the settlement of Mortimer (Rural Service Centre under Policy ADPP1)

Amber Great Crested Newt Risk Zone

DEFINITION OF DEVELOPMENT

Planning permission is only needed if the work being carried out meets the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990.

'Development' includes: building operations (e.g. structural alterations, construction, rebuilding, most demolition); material changes of use of land and buildings; engineering operations (e.g. groundworks); mining operations; other operations normally undertaken by a person carrying on a business as a builder; and the subdivision of a building (including any part of it) used as a dwellinghouse for use as two or more separate dwellinghouses.

The categories of work that do not amount to 'development' are set out in section 55(2) of the Town and Country Planning Act 1990. These include, but are not limited to the following: interior alterations (except mezzanine floors which increase the floorspace of retail premises by more than 200 square metres); building operations which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition, but is linked to the significance of the change which is made to a building's external appearance; and a change in the primary use of land or buildings, where the before and after use falls within the same use class.

PERMITTED DEVELOPMENT

Development does not in all instances require a planning application to be made for permission to carry out the development. In some cases development will be permitted under national permitted development rights. Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the "GPDO"). Permitted development rights for householders: technical guidance has been issued by the government.

Schedule 2, Part 1 of the GPDO provides permitted development rights for development within the curtilage of a dwellinghouse. Class A provides permitted development rights for enlargement, improvement or alteration, Class C for 'other alterations to the roof', and Part F for hard surfaces.

PERMITTED DEVELOPMENT RESTRICTIONS

Permitted development rights can be removed by the local planning authority, either by means of a condition on a planning permission, or by means of an article 4 direction. The restrictions imposed will vary on a case by case basis and the specific wording of such conditions or directions.

The planning history of the application site has been inspected, and there are no known planning conditions or article 4 directions which remove or restrict permitted development rights.

COMPLIANCE WITH THE GPDO

Permitted development rights are subject to national conditions and limitations (for example limits on height, size or location) to control impact and to protect local amenity.

A garage conversion is proposed, wherein the garage would form the kitchen/dining area for the dwelling, and the existing kitchen/dining area in the main dwelling would become general living space. No new bedrooms are proposed and the garage and existing dwelling would be linked. The converted garage and link would therefore be part of the existing C3 use of the building and not be a material change of use.

The conversion would be enabled by the filling in of an arch between the garage and main dwelling, replacement of garage doors with bi-fold doors, and the addition of new external doors. These works do not breach any clause or condition of Part 1 Class A.

It is also proposed to replace the asymmetrically pitched roof of the garage with a flat roof. Given this would not be in association with a new extension nor increase the height nor massing of the roof, it is considered that Part 1 Class B would not be applicable as this provides permitted development rights for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Under Class C, the re-roofing would not breach any clause or condition.

The area of ground covered by the proposed gravel driveway would be approximately 112sqm. To accord with clause (b) of Class F, hard surfacing on this scale must be porous, and this is proposed.

OTHER RESTRICTIONS AND CONSENTS

Land ownership, including any restrictions that may be associated with land, is not a planning matter. An appropriate legal professional will be able to provide further advice on this if necessary. Even if a planning application is not needed, other consents may be required under other regimes. The following list is not exhaustive but illustrates some of the other permissions or consents that may need to be obtained before carrying out development: works to protected trees, advertisement consent, listed building consent, hazardous substances consent, environmental permits/licences, and building regulations. It is the developer's responsibility to ensure that any necessary permissions, consents and permits are in place when required.

CONCLUSION

The proposed in-filling and opening alterations to the garage constitutes permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in particular Schedule 2, Part 1, Class A. The re-roofing is permitted under Class C, and the hard surfacing alterations under Class F.

The permitted development rights have not been removed from the application site.

The use of the existing garage as living space for use by the occupants of the main dwelling would not be a material change of use and therefore does not fall within the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990.

As such, the described development is lawful for the purposes under section 192 of the Town and Country Planning Act 1990, and an application for planning permission from the local planning authority is not required.

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