

# APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

|                                 |                                                              |
|---------------------------------|--------------------------------------------------------------|
| <b>APPLICATION REFERENCE:</b>   | PL/2025/09157                                                |
| <b>APPLICATION TYPE:</b>        | Lawful development: Proposed use                             |
| <b>SITE ADDRESS:</b>            | 21 Shakespeare Road, Royal Wootton Bassett, Swindon, SN4 8HD |
| <b>DEVELOPMENT DESCRIPTION:</b> | Single storey extension to rear elevation.                   |
| <b>RECOMMENDATION:</b>          | Approve                                                      |

## PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for a proposed single storey extension to rear elevation.

The planning merits of the proposal are not under consideration. The only issue is whether the proposed works constitute "permitted development" (PD) under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [hereafter referred to as "the GPDO"].

## RELEVANT LEGISLATION AND POLICY

The statutory framework governing CLP's is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). This section establishes that a proposed development or use is "lawful" if it would not constitute a breach of planning control. A CLP can be granted if the Local Planning Authority is satisfied, on the balance of probabilities, that the proposed development or use would not require planning permission.

The application has been assessed against the relevant criteria set out in Schedule 2, Part 1, Class A of the GPDO 2015 (as amended) which refers to the enlargement, improvement or other alteration of a dwellinghouse.

## SITE DESCRIPTION

The property is a semi-detached dwelling within an established urban area in Royal Wootton Bassett. It is not sited within a Conservation Area, National Landscape, is not Listed or under an Article 4 Direction. Planning history research indicates that the permitted development rights are intact.

The proposal is for a rear single storey extension to project past the original rear wall of the dwelling by approximately 2.73 metres (less than the 3 metres allowed under permitted development without the submission of a prior approval application). The width of the extension is approximately 3.4 metres and will be sited just away from the boundary with the attached neighbouring property, number 19 Shakespeare Road. The overall height of the lean-to extension will be approximately 3.7 metres (less than the 4 metres allowed under

permitted development) and the eaves height is approximately 2.4 metres (less than the 3 metres allowed under permitted development for an extension within 2 metres of a boundary).

In terms of materials, the plans are annotated to indicate that the roof covering will be concrete tiles to match the main roof and the facing bricks in the walls will match the existing. Further information has been sought and subsequently provided in an email from the agent on the 9<sup>th</sup> December 2025 which confirms the window and doors will match the existing.

## **REPRESENTATIONS**

There is no legal obligation to consult third parties, including Town/Parish Councils or neighbouring properties, for this type of application.

## **RELEVANT SITE HISTORY**

The site has the following relevant planning history:

| <b>Proposal / Summary</b>                                                                               |
|---------------------------------------------------------------------------------------------------------|
| N/79/1114/F - Historic apps 1974 to 1983 Decision - Approve Date: 13/8/1979 – Porch, car port and patio |

## **ASSESSMENT AND CONCLUSION**

The proposal seeks to utilise permitted development rights under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Having completed the detailed assessment checklist at Appendix 1 and 2, and based on the submitted plans, supporting information, and a review of relevant constraints (including planning history, Article 4 Directions, and any planning conditions), it is concluded that:

The proposed development does fall within the scope of permitted development, as defined under Schedule 2, Part 1, Class A of the GPDO. It meets all relevant limitations and conditions, and no restrictions (such as Article 4 Directions or planning conditions) are in force that would remove the permitted development rights relied upon.

The proposed development is considered lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

**RECOMMENDATION: It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following reason:**

The proposed development is deemed lawful under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposal is in accordance with relevant statutory provisions and does not require planning permission.

## APPENDIX 1 –

### Checklist for Householder permitted development under Parts 1, 2 or 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

If yes is answered to any of the below questions, then planning permission will be required for the proposal. If not, then proceed to complete the relevant checklist(s) at Appendix 2, 3 and 4.

| Constraint                                                                                      | Yes/No/N/A | Notes                                      |
|-------------------------------------------------------------------------------------------------|------------|--------------------------------------------|
| Is there an Article 4 Direction removing PD rights for a class within which the proposal falls? | No         |                                            |
| Is there a condition removing PD rights for a class within which the proposal falls?            | No         |                                            |
| For the purposes of Part 1, is the property a flat or maisonette?                               | No         | Flats do not benefit from Part 1 PD rights |

## APPENDIX 2 –

### Checklist for Householder permitted development under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

|                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>Class A – Enlargement, Improvement or alteration of a dwellinghouse</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Yes/No</b>              |
| <b>If yes answer questions below, if no skip to Class B</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |
| <b>Criteria (A.1) – Development is not permitted if:</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |
| (a)                                                                        | Was the permission to use the dwellinghouse granted Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule?                                                                                                                                                                                                                                                                                                                                        | No                         |
| (b)                                                                        | Would the ground covered by extensions to the original dwellinghouse exceed 50% of the total area of the curtilage?                                                                                                                                                                                                                                                                                                                                  | No                         |
| (c)                                                                        | Would the height of the proposal exceed the height of the highest part of the roof of the existing dwellinghouse?                                                                                                                                                                                                                                                                                                                                    | No                         |
| (d)                                                                        | Would the height of the eaves exceed the height of the existing dwellinghouse eaves?                                                                                                                                                                                                                                                                                                                                                                 | No                         |
| (e)                                                                        | Is the principal elevation of the original dwellinghouse being extended or Is the elevation being extended fronting a highway and forming a side elevation?                                                                                                                                                                                                                                                                                          | No                         |
| (f)                                                                        | Would the single storey extension extend beyond the rear wall of the original dwellinghouse house by more than 4m (detached) / 3m (others) or exceed 4m in height?                                                                                                                                                                                                                                                                                   | No                         |
| (g)                                                                        | For dwellinghouses not in Article 2(3) land or SSI, would it extend beyond the rear wall of the original dwellinghouse house by more than 8m (detached) / 6m (others) or exceed 4m in height? <i>Please note that the proposed development is subject to a prior approval process. As such, a Certificate of Lawfulness cannot be granted unless prior approval has been applied for and either determined as not required or formally approved.</i> | N/A                        |
| (h)                                                                        | Would it have more than a single storey and extend beyond the rear wall of the original dwellinghouse by 3m or be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse?                                                                                                                                                                                              | No<br>(single storey only) |
| (i)                                                                        | Would the extension be within 2m of a boundary with eaves exceeding 3m in height?                                                                                                                                                                                                                                                                                                                                                                    | No                         |
| (j)                                                                        | Would it extend beyond a side elevation of the original dwellinghouse and exceed 4m in height, be more than single storey or have a width greater than half the original dwellinghouse?                                                                                                                                                                                                                                                              | No                         |
| (ja)                                                                       | Does the total enlargement (the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed or would exceed the limits set out in sub-paragraphs (e) to (j)?                                                                                                                                                                                                                               | No                         |
| (k)                                                                        | Would it include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna,                                                                                                                                                                                                                                                                                         | No                         |

|                                                                            |                                                                                                                                                      |               |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Class A – Enlargement, Improvement or alteration of a dwellinghouse</b> |                                                                                                                                                      | <b>Yes/No</b> |
| <b>If yes answer questions below, if no skip to Class B</b>                |                                                                                                                                                      |               |
| <b>Criteria (A.1) – Development is not permitted if:</b>                   |                                                                                                                                                      |               |
|                                                                            | the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse? |               |
| (l)                                                                        | Was the dwellinghouse built under Part 20 of this Schedule?                                                                                          | No            |

|     |                                                                                                                                                                                                          |               |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|     | <b>Criteria (A.2) Dwellinghouses on article 2(3) land – Development is not permitted by Class A if:</b>                                                                                                  | <b>Yes/No</b> |
| (a) | Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?                                | N/A           |
| (b) | Would it extend beyond a side elevation of the original dwellinghouse?                                                                                                                                   | N/A           |
| (c) | Would it consist of 2-storeys and extend beyond the rear wall of the original dwellinghouse?                                                                                                             | N/A           |
| (d) | Would the total enlargement (the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in sub-paragraphs (b) and (c)? | N/A           |

|     |                                                                                                                                                                                                                                                                                         |               |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|     | <b>Criteria (A.3) – Development is permitted by Class A subject to the following conditions:</b>                                                                                                                                                                                        | <b>Yes/No</b> |
| (a) | Are materials to be used in exterior work of similar appearance to the existing dwellinghouse (other than conservatories)?                                                                                                                                                              | Yes           |
| (b) | Would any upper-floor windows in the side elevation be non-obscure and non-fixed shut below 1.7m?                                                                                                                                                                                       | N/A           |
| (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, does the roof pitch of the enlarged part not, so far as practicable, match the roof pitch of the original dwellinghouse? | N/A           |