

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/00436
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	Greenways, New Road, Purton, Swindon, SN5 4HF
DEVELOPMENT DESCRIPTION:	Demolition of the existing rear projection and the erection of a single-storey rear extension
RECOMMENDATION:	Refuse

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for the demolition of the existing rear projection and the erection of a single-storey rear extension

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, Classes A–H of the GPDO 2015 (as amended).

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:

N/79/01664/ Detached dwellings and garages – Refused – allowed at appeal no permitted development rights removal

N/83/01345/F Erection of 2 dwellings – no permitted development rights removal

N/89/02753/ Extension – permitted development

ASSESSMENT AND CONCLUSION

Greenways is a modern, detached dwelling situated on the north of Purton. The property is constructed of red brick, with white upvc windows and doors and concrete tiled roof. There has been a previous lean-to extension to the rear. The property is not Listed, nor is it located within Article 2/3 Land or subject to an Article 4 Direction. The planning history indicates that permitted development rights remain intact on the property.

The proposal seeks to utilise permitted development rights under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) via a single storey rear extension following the removal of the existing lean-to addition. The proposed extension would protrude from the original rear wall by approximately 4.0 metres and would have a width of approximately 8.15 metres. The enlargement would have a parapet roof with an eaves height of approximately 2.92 metres and overall height of approximately 3.11 metres. The flat roof would be constructed with ply membrane along with a rooflight that would not protrude more than 150 mm above the existing roof plane. The addition would be constructed using bricks to match the existing dwelling along with anthracite colour double glazed 'Crittall' style windows and doors.

In this case the proposal does not appear to meet the criteria set out in Schedule 2 Part 1 Class A A.3(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.

Page 31 of The Permitted development rights for householders Technical Guidance (Ministry of Housing, Communities and Local Government, 2019) states that;

The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials.

For example:

- the external walls of an extension should be constructed of materials that provide a similar visual appearance - for example in terms of colour and style of brick used -to the materials used in existing house walls.*
- a pitched roof on an extension should be clad in tiles that give a similar visual appearance to those used on the existing house roof. Again, colour and style will be important considerations; **flat roofs will not normally have any visual impact and so, where this is the case, the need for materials of similar appearance should not apply.***
- it may be appropriate to replace existing windows with new uPVC double-glazed windows **or include them in an extension even if there are no such windows in the existing house. What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames.***

Taking account of the above, the proposed external wall materials are similar in appearance to those use in the construction of the existing dwelling house. The flat roof would not have any visual impact and therefore the need for materials to be similar in appearance does not apply. The existing windows are white upvc with no glazing bars. The proposed windows are Crittall style with glazing bars and are anthracite colour. Such windows would not give a similar visual appearance to those used in the existing house in terms of their colour and size of frame.

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 not fall within the scope of permitted development, as it fails to meet one or more of the limitations or conditions set out within the relevant class of the GPDO. Specifically:

Schedule 2 Part 1 Class A, A.3 (a)

The proposed exterior window and doors would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The proposed development is not considered lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

It is recommended that the Certificate of Lawfulness for Proposed Development be REFUSED for the following reasons:

Reason for refusal: The proposed development does not meet the criteria for permitted development under Schedule 2, Part 1 Class A, A.3 (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, planning permission is required.

This decision relates to the following plans/ documents:

Application form, Planning statement received on 22nd January 2026

Plan references D01, D02, D03, D04 and D05 received on the 29th January 2026

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)

Class A – Enlargement, Improvement or alteration of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class B		yes
Criteria (A.1) – Development is not permitted if:		
(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 extent 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
(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

Class A – Enlargement, Improvement or alteration of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class B		yes
Criteria (A.1) – Development is not permitted if:		
	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

	Criteria (A.2) Dwellinghouses on article 2(3) land – Development is not permitted by Class A if:	Yes/No
(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

	Criteria (A.3) – Development is permitted by Class A subject to the following conditions:	Yes/No
(a)	Are materials to be used in exterior work of similar appearance to the existing dwellinghouse (other than conservatories)?	NO
(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