

Development Management, Economic Development and Planning,
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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	77
Suffix	
Property Name	
Address Line 1	Firs Road
Address Line 2	
Address Line 3	Wiltshire
Town/city	Firsdown
Postcode	SP5 1SW

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
420853	133390
Description	

Applicant Details

Name/Company

Title

Dr

First name

Josef

Surname

Kornycky

Company Name

Address

Address line 1

77 Firs Road

Address line 2

Firsdwn

Address line 3

Town/City

Salisbury

County

Country

United Kingdom

Postcode

SP5 1SW

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☒ Yes

☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

The proposal involves the removal of an existing pitched conservatory roof and the installation of a replacement flat roof featuring a central glass lantern. The footprint of the structure remains unchanged at approximately 6.4m x 3.4m. No new access, street layouts, or hard-standings are proposed. The total height of the new flat roof and lantern will not exceed the height of the highest part of the existing pitched roof.

The structure is currently used as a residential conservatory/garden room ancillary to the main C3 dwellinghouse. The proposed roof replacement will not change this use. While historical drawings may have occasionally labeled the structure as a "carport," its actual functional use has been residential for 15 years. This is evidenced by attached screenshots from Google Streetview dating back to 2011, where there is clearly a conservatory installed which has not changed since.

This proposal would allow the current owners to replace the roof with something that is easier to clean, has better thermal properties, and is less overlooked by the neighbours, without changing the overall footprint - in fact, the volume of the roof would reduce. The roof height (at apex) would not exceed the existing roof height (at apex).

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes

☒ No

Has the proposal been started?

☐ Yes

☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The structure was constructed approximately 15 years ago. Under Section 171B of the Town and Country Planning Act 1990, any operational development becomes immune from enforcement action after a continuous period of 4 years (for building works) or 10 years (for changes of use). As the structure has been in situ for 15 years, its existence and residential use are lawful by the passage of time. Furthermore, the structure has appeared on planning drawings submitted for other parts of the property over this period without challenge - see 77 Firs Road planning application from 2010 ref: S/2010/1749, also attached to this application.

Document references:

77FIRROADSUPPORT
77FIRROADEXISTELEVATIONSCONSERV
77FIRROADEXISTFLOORPLANCONSERV
77FIRROADEXISTINGSITEPLANCONSERV
77FIRROADPROPOSEDELEVATIONSCONSERV
77FIRROADPROPOSEDFLOORPLANCONSERV
77FIRROADPROPOSEDSITEPLANCONSERV
S/2010/1749 - 2010 planning application.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

- ☒ Permanent
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

An LDC should be granted because the existing structure is lawful under the 10-year rule for enforcement immunity (Section 171B of the Town and Country Planning Act 1990). The proposed works constitute a replacement of a roof on an established lawful structure. The new roof and lantern will not exceed the height of the existing structure, will not increase the footprint, and will maintain the residential character of the property. Therefore, the works are considered Lawful Development.

The proposed development is considered Lawful Development under Schedule 2, Part 1, Class A and Class C of the General Permitted Development Order (GPDO) for the following reasons:

- Lawfulness of Base Structure: The existing structure has been in situ for over 15 years. Under Section 171B of the Town and Country Planning Act 1990, the structure is immune from enforcement action and is therefore a lawful part of the dwellinghouse.
- Height (Class C.1): The proposed replacement roof has been designed to strictly adhere to Permitted Development heights. The new eaves (flat roof deck) will stand at approximately 2.5m, which is below the 3m limit for structures within 2m of a boundary (Class A.1(i)). The maximum height of the roof lantern will be 3.4m, which does not exceed the height of the highest part of the existing roof (Class C.1(b)) and remains below the 4m total height limit for single-storey extensions (Class A.1(f)).
- Footprint (Class A): The proposed works do not extend beyond the existing footprint of the structure and do not exceed the limits of the total area of ground covered by buildings within the curtilage.
- Use: The structure remains ancillary to the main C3 dwellinghouse, maintaining its established residential use.
- Materials: While the design is changing to a flat roof with a lantern, the materials will be of high quality and appropriate for a residential setting, consistent with the character of the main house.
- Elevation: The conservatory and hence its roof do not extend beyond the principal elevation of the original property (minus extensions).

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff**
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Josef Kornycky

Date

03/04/2026