

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/03063
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	7 Pavenhill, Purton, Swindon, SN5 4BY
DEVELOPMENT DESCRIPTION:	Loft conversion to include hip-to-gable roof enlargement and rear and side dormer additions
RECOMMENDATION:	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 loft conversion including a partial hip to gable conversion and rear and side dormer additions. The loft conversion also includes rooflights to front and side 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"].

SITE DESCRIPTION

The property is a two-storey detached dwelling within an established urban area in Purton. The information provided by the agent indicates that the roof has slate tiles, the walls being brickwork and render and the windows a mixture of brown and white upvc. The property is not listed, nor is it located on Article 2(3) land or subject to an Article 4 Direction. The available planning history indicates that permitted development rights are intact.

The property has been previously extended by a single storey rear extension (18/09435/PNEX) and permission has been granted for a proposed two storey side and front extension, reference PL/2025/02654, although the plans indicate this has not been constructed (and could not be constructed as per approved plans should the current development subject to the Certificate of Lawfulness application be carried out).

It is noted that a similar proposal for a loft conversion involving a hip to gable enlargement and rear and side dormer additions was refused 11/03/2026, reference PL/2026/00030. However, the planning merits of the current proposal are not a consideration as it is an application for a Certificate of Lawfulness, so the only matter for consideration is whether the works are, on the balance of probabilities, considered to constitute permitted development. The onus is on the applicant/ agent to provide sufficient information in order to make this assessment.

The proposal consists of a loft conversion with a rooflight to front elevation and east side elevation (the agent has confirmed that both rooflights do not protrude more than 0.15m from

the plane of the existing roof, and the side rooflight will be obscure glazed and any opening parts will be above 1.7m of internal floor level).

The current main roof of the dwelling is hipped with the ridge running from the front of the property to the rear. The west side roof will be converted from a hip to a gable and a window inserted into the new gable wall. The agent has confirmed that this upper floor side window will be obscure glazed with any opening parts to be above 1.7m of internal floor level. A rear dormer is proposed which includes a partial wrap around to the east side roof slope. The rear dormer shows a larger set back from the rear eaves level on the part of the dormer which provides a bathroom. In addition to the bathroom, two bedrooms are shown on the proposed second floor plan provided.

Several revised plans have been required during the course of the application to address some discrepancies and to provide further information and clarification, such as regarding existing and proposed materials in order to ensure the materials used in any exterior work are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Clarification regarding upper floor side windows and rooflights have been provided to ensure they comply with the condition regarding being obscure glazed and stipulations regarding opening parts. Calculations were also requested and submitted in order to provide clarification that the cubic content of the resulting roof space would not exceed the cubic content of the original roof by more than 50 cubic metres as the property is a detached dwelling (the calculations indicate the increase in cubic content will be just under 40 cubic metres).

REPRESENTATIONS

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

RELEVANT SITE HISTORY

The available planning history indicates that permitted development rights are intact:

Proposal / Summary
18/09435/PNEX - Prior approval Part 3 Class A.1(ea): Larger home extension Decision - Approved Date: 7/11/2018 – Notification of Larger Home Extension - Single Storey Rear Extension (to Extend 5 metres from Original Rear Wall of Dwelling, 3.6 metres Maximum Height, 2.5 metres Eaves Height)
PL/2025/02654 - Householder planning permission Decision - Approve with Conditions Date: 21/5/2025 – Proposed two storey side and front extension.
PL/2026/00030 - Householder planning permission Decision - Refuse Date: 11/3/2026 – Hip-to-gable roof enlargement and rear and side dormer additions

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 B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and C (any other alteration to the roof of a dwellinghouse) of the GPDO 2015 (as amended).

ASSESSMENT

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).

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, Classes B and C 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.

CONCLUSION

On the basis of the plans and documents provided, the proposed development is deemed lawful under Schedule 2, Part 1, Classes B and C 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.

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

RECOMMENDATION: That the Certificate of Lawfulness for Proposed Development be GRANTED.

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	

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 B – The enlargement of a dwellinghouse consisting of an addition or alteration to its roof		Yes/No
If yes answer questions below, if no skip to Class C		
Criteria (B.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 roof height be increased beyond the highest part of the existing roof?	NO
(c)	Would the enlargement extend beyond the plane of the roof slope forming the principal elevation and facing a highway?	NO
(d)	Would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than 40m ³ (terraced) or 50m ³ (other)?	NO
(e)	Would it include the (i) construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or, the installation, alteration or replacement of a chimney, flue or soil and vent pipe?	NO
(f)	Is the dwellinghouse is on article 2(3) land?	NO
(g)	Was the dwellinghouse built under Part 20 of this Schedule?	NO
(h)	Was the dwellinghouse enlarged by virtue of permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)?	NO

Criteria (B.2) – Development is permitted by Class B subject to the following conditions:		Yes/No
(a)	Are the materials used in any exterior work of a similar appearance?	YES
(b)(i)	Is the proposal a hip-to-gable enlargement or a junction with a rear/side extension? (If yes, B.2(b)(i) does not apply.)	PARTLY YES
(b)(i)(aa)	Where applicable, are the eaves of the original roof maintained or reinstated?	YES
(b)(i)(bb)	Where applicable, is the edge of the enlargement at least 0.2m from the eaves, measured along the roof slope from the outside edge of the eaves?	YES
(b)(ii)	Where applicable, does no part of the enlargement extend beyond the outside face of any external wall of the original dwellinghouse?	COMPLIANT
(c)	Would any upper-floor windows in side elevation be non-obscure/non-fixed shut below 1.7m?	NO

Class C – Any other alterations to the roof of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class D		
Criteria (C.2) – 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 alteration protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof?	NO
(c)	Would the roof height be increased beyond the highest part of the existing roof?	NO
(d)	Would it include the construction or provision of a veranda, balcony or raised platform, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment?	NO
(e)	Was the dwellinghouse built under Part 20 of this Schedule?	NO

Criteria (C.2) – Development is permitted by Class C subject to the following conditions:	Yes/No
Are side-facing upper floor windows obscure-glazed and fixed shut below 1.7m?	YES