

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/03765
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	9 Sandridge Road, Melksham, SN12 7BE
DEVELOPMENT DESCRIPTION:	Certificate of Lawfulness for Proposed Development of 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 a proposed 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, Class A 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:

Proposal / Summary
W/00/01597/FUL - Full planning permission Decision - Approve with Conditions Date: 23/10/2000 – Garage

ASSESSMENT AND CONCLUSION

9 Sandridge Road is a detached, two storey dwelling situated within the town of Melksham. The property has an existing side conservatory and there is also a detached garage. 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 dwelling sits within a large plot set away from the front and rear boundaries by over 20 metres.

The dwelling is predominantly constructed of red brick externally. The front elevation includes bay fronted windows with tall rectangular panes and square panes of equal size above. The windows to the rear of the property differ from those within the principal elevation, they are squarer in form with more simple detailing. There is a small area within the upper side gable that is partially clad with black and white vertical timber panels.

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) via a single storey flat-roofed rear extension that includes an attached pergola. The existing side conservatory would be removed.

The width of the original house is approximately 10.8 metres. The proposed addition would protrude approximately 4.0 metres from the rear wall with an overall width of approximately 14.4 metres. An eaves height of less than 3 metres is quoted on the supporting statement. However, the height of the proposed extension measures approximately 3.16 metres on the plan, with the living roof details shown above. There is no separate measurement indicating the proposed eaves height. The supporting statement indicates that the proposed extension is not within 2 metres of the boundary, however the plans indicate that the proposed extension would be approximately 1.78 metres from the boundary to the north. The agent has questioned whether the proposed pergola element should be considered as part of the extension under Class A, suggesting that it should be considered under Class E. In this case the pergola is shown to attach to the extension. The Permitted Development Rights for Householders Technical Guidance (2019) states that *'Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A).'*

The proposal would fail to meet the criteria set out in (i)

The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres

The proposal would fail to meet the criteria set out in (i)(iii)

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse

The supporting statement submitted states that the proposed extension would be constructed externally with facing brickwork and finishes to match the existing house. However, the submitted plans show that the extension would be clad with narrow timber cladding and includes an attached pergola. It has been confirmed by the agent that timber cladding is proposed, as illustrated on the plans. The proposed rear doors are large rectangular frames

divided into multiple equally sized glass panes, with vertical and horizontal glazing bars. The side lights appear to match the design and size of frame of central doors in this proposed elevation. There is a further large rectangular picture window that protrudes from the rear elevation of the proposed extension, this window does not have any form of glazing bars. Within the proposed side elevation, there are large central paned doors with narrower paned side lights.

The condition at paragraph A.3 (a) stipulates that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. No definition of the word similar is provided within the GPDO. However, the government has provided advice on how that should be interpreted via the *Permitted Development Rights for Householders Technical Guidance (2019)*

The above-mentioned guidance indicates that condition A.3 *'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.'*

In other words, there is some flexibility and a precise match is not necessary. However, the Technical Guidance goes on to explain *'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'*

In relation to flat roofs, the Technical Guidance states that *'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'*

Regarding fenestration, it further states that *'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'*

Whilst it is acknowledged that the window detailing to the front differs from that of the rear of the existing property, the windows and doors proposed within the extension bear little resemblance to any within the existing dwelling. The predominant external material of the dwelling house is red brick and there is a small amount of black and white timber panelling within the side gable. The proposed external finish of the extension would be narrow timber cladding; this material would not be comparable in appearance to the colour and style of brickwork or small element of timber used in the existing house walls.

The proposal would fail to meet the criteria set out in A.3 (a)

The materials used in the exterior work would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

The proposed development does not meet the criteria for permitted development under Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Contact with agent

The agent requested an update during the application process; this was provided by email. The agent was offered information that the proposal was not considered permitted development and that there was a discrepancy over the proposed materials. The agent was also given the opportunity and time to withdraw the application by the 6th August 2026 if desired otherwise the application would be recommended for refusal. Subsequent correspondence from the agent confirmed that there was no intention to withdraw the application and questioned amongst other things, whether the pergola should be included as part of the extension. The agent also confirmed that there was a discrepancy in the supporting statement in relation to the proposed materials and confirmed that external timber cladding is proposed. Additional discrepancies in the plans and associated statement submitted have come to light during further consideration of the proposal.

The onus is on the applicant / agent to provide clear evidence that their proposal, on the balance of probabilities, would not require planning permission at the time of submission. Despite the highlighted discrepancies, it is still clear from the information given that certain aspects of the proposal will require permission and therefore no additional or amended information has been requested.

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.1 (i), (j)(iii) and A.3 (a)

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 reason: The proposed development does not meet the criteria for permitted development under Schedule 2, Part 1 Class A A.1(i), (j)(iii) and 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 received on 15/06/2026

Planning statement reference 5116-PD received on 15/06/2026

Response statement dated 1/8/2026

Plan references 5116-001-EP,5116-002-EE,5116-100-LP,5116-101-PP,5116-102-PE,5116-

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 A – Enlargement, Improvement or alteration of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class B		
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) or exceed 4m in height?	NO

Class A – Enlargement, Improvement or alteration of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class B		
Criteria (A.1) – Development is not permitted if:		
(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>	NO
(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
(i)	Would the extension be within 2m of a boundary with eaves exceeding 3m in height?	YES
(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?	YES a width greater than half the original dwellinghouse
(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)?	N/A existing conservatory to be removed proposal is new extension on original dwelling house
(k)	Would it include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, 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?	NO
(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?	Not on Article 2/3 land (but does

	Criteria (A.2) Dwellinghouses on article 2(3) land – Development is not permitted by Class A if:	Yes/No
		include cladding materials not similar in appearance see A.3 (a)
(b)	Would it extent beyond a side elevation of the original dwellinghouse?	n/a not on Article 2/3 land
(c)	Would it consist of 2-storeys and extend beyond the rear wall of the original dwellinghouse?	n/a not on Article 2/3 land
(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 not on Article 2/3 land

	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