

**Planning statement for Certificate of Lawfulness of Proposed Development**

**Of**

**The conversion of the existing internal garage to a habitable room and the insertion of a new flat roof light ion the existing crown roof over the garage**

**At**

**43 Ray Mill Road West,  
Maidenhead  
Berkshire  
SL6 8SF**

**For**

**Robert Golding**

**April 2021**

<p>This application is for a Certificate of Lawfulness for a proposed development.</p> <p>The decision will be based only on legal issues involved and is not on any discretionary matters. Therefore, the Local Plan Policies are not relevant for this application with the determination made only in relation to the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).</p>	
<p>Does the site benefit from permitted development rights?</p>	<p><b>Yes</b></p> <p><i>When the house was approved under the application to develop the site (15/00392), no conditions etc were included removing the permitted development rights of the House (Article 4) and in particular that the garage could not be converted via these PD rights.</i></p>
<p><b>Conversion of the garage to habitable space</b></p>	
<p>Meaning of Development - Section 55 of the Town &amp; Country Planning Act 1990.</p> <p>Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.</p> <p>The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land (2)–</p> <p>(a) the carrying out for the maintenance, improvement, or other alteration of any building or works which –</p> <p>(i) affect only the interior of the building, or</p> <p>(ii) do not materially affect the external appearance of the building</p>	<p><i>The conversion of the integral garage to habitable accommodation is not considered to amount to operational development as it affects only the interior of the building.</i></p> <p><i>Replacing the existing garage door with a smaller access door, infilling the remaining opening with brickwork to match the existing house and altering the rear window and door into a set of full height glazed doors are not considered to amount to development as it does not materially affect the external appearance of the building.</i></p> <p><b>The proposal complies.</b></p>

<b>Installation of 1no. flat rooflight in the existing flat roof over the garage</b>	
<b>Class C</b>	
C. Any other alteration to the roof of a dwelling house.  Development not permitted if.	
(a) permission to use the dwelling house as a dwelling house has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use).	<i>Permission to use the dwelling house as a dwelling house has not been granted only by virtue of Class M, N, P, PA, or Q of Part 3 of this Schedule (changes of use).</i> <b>The proposal complies.</b>
(b) the alteration would 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.	<i>The alteration would not protrude more than 0.15 meters beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.</i> <b>The proposal complies.</b>
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof.	<i>The proposal would not result in the highest part of the alteration being higher than the highest part of the original roof.</i> <b>The proposal complies.</b>
(d) it would consist of or include –  (i) the installation, alteration or replacement of a chimney, flue, or soil and vent pipe, or  (ii) the installation, alteration, or replacement of solar photovoltaic or solar thermal equipment; or	<i>The proposal would not consist of or include any of the above.</i> <b>The proposal complies.</b>
(e) the dwelling house is built under Part 20 of this Schedule (construction of new Dwelling houses).	<i>The dwelling house is not built under Part 20 of this schedule.</i> <b>The proposal complies.</b>

## Conclusion

Therefore, we believe that the submitted scheme should be granted a Certificate of Lawfulness as.

- The conversion of the integral garage to habitable accommodation is not considered to amount to operational development under Section 55 (a) (i) as it affects only the interior of the building.
- That replacing the existing garage door with a single door is not considered to amount to operational development under Section 55 (a) (ii) as it does not materially affect the external appearance of the building.
- The proposed rooflight is automatically granted planning permission under Article 3 and Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and an express of planning permission is not required subject to the conditions specified in Class C.