

Planning and Growth  
Rushcliffe Borough Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG

25 October 2023

Dear Sir/Madam

**RE: Application for Certificate of Lawful Development (Proposed Development) at Yew Tree Farm Lombard Street Orston Nottinghamshire NG13 9NG**

We are instructed by our client Mr John Johnson to submit this application for a Lawful Development Certificate (LDC) for a proposed development at the above property.

The proposal is to replace wooden windows/cladding unit on the northeast facing aspect of the house with an identical uPVC unit to prevent water ingress to the property.

Planning permission was granted for the "Conversion and extension of building to form dwelling" under 07/01691/FUL. Amongst other conditions, condition 6 removes certain and specific permitted development rights and states:

*'Notwithstanding the provisions of Schedule 2 Part 1 Classes A-D of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposal dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans without the prior written approval of the Borough Council.'*

The approved plans show the design of the window/cladding unit but neither the approved plans nor the conditions listed on the planning approval specify or restrict what the frames/cladding shall be constructed from. This means, in our view, that they do not need to be the same materials.

It is therefore our opinion that provided a new window/cladding unit is a like for like design, it is not altering, and would therefore be in accordance with the approved plans.

In terms of the materials used for the window/ cladding unit, we would argue that provided the materials used have a similar external visual appearance to those used in the construction of the existing window unit the proposals can proceed accordingly.

The photograph below shows the design and appearance of the existing window/cladding unit which our client wishes to replace.



The new uPVC double glazed window/ cladding unit will be identical in design terms and will have a similar external visual appearance to the unit that exists. Its overall design and colour finish will remain the same.

It is therefore our view that replacing the window/ cladding unit with a uPVC equivalent but staying to the same design and visual appearance can take place without needing planning permission.

The application comprises of the following documents and plans:

- LDC Application Forms
- Site Location Plan (1:1250)
- Application fee sum of £103.00.

In light of the above analysis, we hold the view that this proposal can proceed without the need for planning permission, and the certificate of lawfulness should therefore be granted.

We trust this application is complete and can be registered without delay. We look forward to the receipt of your acknowledgement of the registration of the application in due course. It would be appreciated if you could keep me

informed on the progress of the application. Please feel free to contact me should you wish to discuss the proposal or if you need any further information.

Yours faithfully,



**Jon Pope BSc (Hons) MSc MRTPI**  
**Chartered Town Planner**