

**Application Reference:** 2025/1008

**Site Address:** 28 Lockwood Gardens, Hoylandswaine, S36 7LN

**Introduction:**

This application seeks approval for a ‘Lawful Development Certificate for proposed alterations to the existing conservatory, including a replacement roof, removal of high level windows and blocking up and installation of an additional window/patio doors.

**Relevant Site Characteristics**

The host dwelling is a detached dwelling located on a small housing estate. To the front is a small tarmac driveway in front of the integral garage. The dwelling itself is finished in stone and has a tiled pitched roof. The surrounding properties are similar in terms of their overall design and finish. The property has an existing conservatory to the rear.

**Site History**

There is no relevant site history.

**Detailed description of Proposed Works**

The proposal is for minor amendments to the existing conservatory, including the replacement of the roof with tiles to match the host dwelling, blocking up of the high level windows and the installation of a new window and patio doors.

**Relevant Legislation**

Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

For a lawful development certificate to be issued for the enlargement, improvement or other alteration of a dwellinghouse, it must meet the criteria set out in Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Specific to this application is Class A (1-3), Class C and Class G of this legislation which is detailed below, and referred to in the assessment at GPDO 2015.

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**Permitted development**

- A.** The enlargement, improvement or other alteration of a dwellinghouse.

**Development not permitted**

- A.1** Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P PA or Q of Part 3 of this Schedule (changes of use);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

(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;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

(j) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

(k) it would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse; or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

**A.2** In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would 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;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

### **Conditions**

**A.3** Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (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, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

### **Planning Assessment**

This application proposes minor alterations to the existing conservatory. The conservatory itself meets the requirements to be permitted development. These alterations seek to make minor amendments to the roof and window arrangements to enhance the usability and energy efficiency of the conservatory.

The proposed new roof will be of the same, height and profile as the existing conservatory roof with the addition of tiles that will match the host dwelling. This meets the requirement set out in condition A.3 (a).

The new windows are at ground floor level and therefore are not required to be obscure glazed. There is no requirement on the size or positioning of these windows/doors and therefore this alteration is considered permitted development and would meet the conditions set out above. Any bricking up and new windows/doors are required to be of the same materials of the host dwelling to ensure they meet condition A.3(a), it is stated within the planning statement that this will be the case.

Overall, the proposed alterations are considered permitted development.

#### Conclusion

For the purposes of considering this application, the application was assessed against the criteria set out in Class A Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and was found to be compliant, therefore a lawful development certificate may be issued.

#### **RECOMMENDATION: Approve subject to conditions**

##### **Justification**

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**