

DELEGATED REPORT

Application No:	P/24/0253
Site Address:	Erwyd Dell Swansea Road Merthyr Tydfil CF48 1HN
Development:	Certificate of Lawfulness for single storey side and rear extensions with alterations
Case Officer:	Kate Glover
Site Visit:	12th November 2024
Application Expiry Date:	22nd December 2024

APPLICATION SITE

The application relates to a detached bungalow located at the end of a private lane, off Swansea Road. The property is bound by residential properties on both sides. Its rear boundary abuts an area of woodland.

The application property has a concrete tile pitched roof and its elevations are finished in a mixture of redbrick and render. The window frames, doors, roof goods and rainwater goods are uPVC. The property has the benefit of a conservatory extension which is constructed against the side elevation and, against the rear elevation there is a second conservatory extension and a lean-to extension.

PROPOSED DEVELOPMENT

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD'), that seeks to establish whether the demolition of existing extensions and the construction of proposed single storey side and rear extensions (with alterations) as detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposals are 'permitted development' and therefore capable of being carried out without the need for planning permission.

The proposed side extension would be located on the east elevation of the property and be 4.09m from the neighbour's boundary. The extension would incorporate a roof lantern, and the external materials would be finished in brick to match the front of the dwelling, windows would be provided in the front and rear elevations. The extension would measure 3.06m wide with a maximum depth of 5.08m. Its flat roof would measure a maximum 2.81m in height, and the total height which would include the roof lantern, would measure a maximum of 3.46m.

The proposed rear extension would be 7.11m from the neighbour's boundary. The extension would be lean-to in design and incorporate a window in the rear elevation. The

external materials would be finished in brick to match the front of the dwelling. The extension would measure 4.6m wide with a maximum depth of 3.58m. Its eaves level would be set at 2.75 and the highest point of the roof would be set at 2.9m.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

No consultation carried out.

PUBLICITY

No publicity carried out.

POLICY CONTEXT

The determination of this application does not include any consideration of the planning merits of the case and there are therefore no local development plan policies that need to be taken into account.

NATIONAL GUIDANCE

The Development Management Manual provides guidance on the procedural aspects of the development management system.

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

PLANNING CONSIDERATIONS

The proposed side and rear extensions are considered to constitute Permitted Development by virtue of the following sections of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted development) (Amendment) (Wales) Order 2013 which relate to single storey extensions:

- A.1. (a): The developments would not result in more than 50% of the dwelling's curtilage being covered by buildings;
- A.1. (b): The developments would not exceed the height of the highest part of the roof of the existing dwellinghouse;

- A.1. (c): eaves height exceeding the eaves height of the existing dwelling house. The eaves height is interpreted by paragraph A.5. (a) of the PD Order and which states that in determining the height of the eaves reference is made to the point where the external walls of the dwellinghouse would, if projected upwards, meet the lowest point of the upper surface of the roof. The eaves height of the developments would not exceed the eaves of the existing dwelling house.
- A.1. (d): the extensions would not be within 2m of the boundary of the dwelling;
- A.1. (e): the extensions would not extend beyond a wall comprised in the principal elevation;
- A.1. (f): The side extension would extend beyond a wall comprised in the side elevation of the existing dwellinghouse but this would not be adjacent to a highway.
- A.1. (g): The side extension would extend beyond a wall comprised in a side elevation of the original dwellinghouse and would be single storey but it does not exceed 4m in height and would not exceed the width of the widest part of the original dwellinghouse by more than 50%;
- A.1. (i): The rear extension would extend beyond a wall comprised in the rear elevation of the original dwellinghouse and would be single storey. However, the extension does not extend further than 4m from the rear wall of the original dwelling house and would not exceed 4m in height.

Class A of Part 1, Schedule 2 of the PD Order also includes Condition A.3. (a) which requires that the appearance of the materials used in the walls, roof or other element of any exterior work must so far as practicable match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse. The plans illustrate the walls of the extensions would be finished using materials that would match the appearance of the existing house.

It is therefore recommended that the application be approved.

RECOMMENDATION: BE APPROVED for the following **REASON**:

1. The proposed extensions and external alterations to the dwellinghouse constitutes 'Permitted Development' by virtue of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 19.12.2024

