

DELEGATED REPORT

Application No: P/21/0111

Site Address: 21 Ynysowen Fach
Aberfan
Merthyr Tydfil
CF48 4RL

Development: Certificate of lawfulness for a proposed single storey rear extension and a front and side garden wall

Case Officer: Marlene Ferreira

Site Visit:

Application Expiry Date: 26th May 2021

Consultation reply date expired:

APPLICATION SITE

The application site relates to a mid-terrace dwelling, 21 Ynyowen Fach, in the area of Aberfan. The dwelling, finished with render and brickwork elevations, is accessed off an adopted footpath and is served by an open front grassed garden area. To the rear of the property, the dwelling benefits from a rear projection (which appears to be an original part of the property and other along the street) and is served by an enclosed garden.

DESCRIPTION OF DEVELOPMENT

This application is for a lawful development certificate in respect of a proposed single storey extension and a front garden wall to the side and front garden boundaries. The application has therefore been submitted to determine whether the proposed extension is 'permitted development' under the Town and Country Planning (General Permitted Development) (Amendment) Order 2013 and whether the proposed wall is 'permitted development' under the Town and Country Planning (General Permitted Development) Order 1995.

The submitted plans illustrate that the existing rear projection would be demolished and a new pitched roof rear extension would be constructed. The extension, which would be finished with a slate roof and brickwork elevations and measure 3.5 metres wide, 2.7 metres deep with a 3.6 metre ridge height, seeks to provide an extended kitchen/dining area. The submitted plans also illustrate that the proposed front wall which would be constructed in brickwork, would adjoin the existing side boundary wall and measure between 1.35 metres in height (brickwork pillars) and 1.05 metres in height (gate would measure 1.15 metres in height). The proposed side wall would measure between 1.35 metres (brickwork pillars) and 1.05 metres.

PLANNING HISTORY

The council's records do not show any other relevant or recent planning history relating to this property which would be relevant to the consideration of this application.

CONSULTATIONS

None are applicable under certificate of lawfulness applications.

PUBLICITY

None are applicable under certificate of lawfulness applications.

POLICY CONTEXT

As a certificate of lawfulness is sought for the proposed rear extension and front garden wall, the planning merits of the proposal are not under consideration. The planning policies are therefore not relevant to the assessment of this application.

PLANNING CONSIDERATIONS

This application in respect of the proposed rear extension is considered under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) (Amendment) Order 2013. Part 1, Class A allows an extension to the property subject to the following conditions:

- A.1 a) *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);*
- (b) *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;*
- (c) *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;*
- (d) *the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and—*
- (i) *the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 3 metres; or*
- (ii) *the height of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 4 metres;*
- (i) *the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have a single storey and would - ;*

(i) extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres; or

(ii) exceed 4 metres in height;

A.3 *(a) 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 proposed single storey extension would not result in development which would exceed 50% of the total curtilage area and as such would comply with part A.1 a). The proposed extension would be within 2 metres of the boundary but would measure 2.45 metres to the eaves and 3.6 metres to the ridge and as such would comply with part A.1 b), c) and d). The extension would project 2.7 metres from the rear wall of the property and would be finished in matching materials and finishes. As such, it would comply with part A.1 (i) and A.3 (a). The proposed rear extension therefore satisfies the above relevant conditions and would be classed as permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2013.

This application in respect of the proposed front boundary wall is considered under Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 1995. Part 2, Class A allows for the erection of a wall subject to the following conditions:

A.1 *(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;*

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The proposed wall would be adjacent to a footway and as such would comply with part A.1a). The height of the wall would measure between 1.35 metres and 1.15 metres and as such would comply with A.1 b) and c). The property is not a listed building and as such, the proposed wall would comply with A.1 d). The proposed boundary wall to enclose the front garden therefore satisfies the above relevant conditions and would be classed as permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

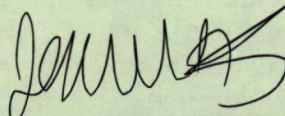
Furthermore, it should be noted that the the Council does not hold any records which suggests that there are restrictive conditions or that the removal of permitted development rights been enforced on this particular property. Thus, it is considered that the evidence submitted adequately indicates that the proposed development would be classed as

permitted development. Accordingly, it is recommended that a certificate of lawfulness be issued.

RECOMMENDATION: BE APPROVED

1. The proposed rear extension is permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.
2. The proposed front wall is permitted development by virtue of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

24/5/21