

DELEGATED REPORT

Application No:	P/22/0137
Site Address:	10 Bishops Grove Penydarren Merthyr Tydfil CF47 9LJ
Development:	Single storey outbuilding attached to side elevation (Lawful Development Certificate)
Case Officer:	Rebecca Owens
Site Visit:	20th June 2022
Application Expiry Date:	19th July 2022

APPLICATION SITE

The application relates to a semi-detached dwelling located in a mainly residential area in the settlement boundary. The site is bound to the front partially by a shared driveway, by other dwellings on either side and open grass land containing a sub-station to the rear. The site is not located within a conservation area.

PROPOSED DEVELOPMENT

A Certificate of Lawful Development is sought for the erection of a single storey side extension to the dwelling which would serve as a shed. The shed would not be accessed internally but from a doorway in its rear elevation. The proposed extension would be set back from the main front elevation by 2.395m. It would be 4.925m in depth by 2.475m in width and would have a mono-pitched roof with a ridge height of 3.75m and an eaves height of 2.6m. The extension would feature a door and windows in its rear elevation. The roof of the extension would be covered with concrete tiles to match the existing roof and the walls would be finished with brickwork again to match the existing elevation.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/07/0346 Erection of rear sun lounge
Granted planning permission subject to condition on 29 August 2007
- P/96/0254 Residential development of 40 No. dwellings
Granted planning permission subject to conditions on 27 September 1996.
Condition 11 of this planning permission states:

“The parking and garage spaces indicated on the approved layout plans shall be retained for parking purposes at all times”

PUBLICITY

No publicity exercise was undertaken as part of this application as it is not required for this type of application. However, an objection has been received from a neighbouring occupant. The main points raised within this are summarised below:

- The proposed shed would be erected on an existing driveway and the plans indicate parking spaces on an existing shared driveway that would block access to neighbouring properties and which is in breach of the deeds.
- The submitted plans are inaccurate as they indicated two existing car parking spaces which is incorrect. The occupants of the application site have already removed one of their parking spaces from the driveway to increase the size of their garden. As they have two cars, the loss of another parking space would be even more detrimental to the neighbouring properties and would make it extremely difficult for the objector to park on their own driveway.
- The plans appear to indicate that a landscaped area would be used to allow for an access drive. The landscaped area allocated to this plot is not wide enough for vehicle access or parking. In addition, there is drainage/sewer access in that area preventing it from being used for any other purpose (as indicated in the deeds).
- Their plans indicate that a rear boundary wall would be removed.

Whilst the above objections are fully acknowledged, the purpose of this planning application is strictly to ascertain whether the proposal constitutes permitted development and not to assess its merits or potential impacts. Notwithstanding this, the following comments are made:

- parking of vehicles on a shared access or the blocking of access to other properties, contrary to the requirements of the deeds is a private/legal matter between the parties concerned.
- The inaccuracies in the plans are noted, these do not prevent an assessment of whether the proposal constitutes permitted development.
- The impact of the loss of the second car parking space is not a consideration for this type of planning application. Whether the loss of this space is permitted without planning permission is considered below.
- The existing and proposed site plans show no alteration to the identified verge but it would appear that this may be inaccurately plotted with the verge shown narrower than it actually is and the access driveway serving this site, and the neighbouring properties, illustrated wider than it actually is, thus in order to provide an access as shown it would require the verge to be removed. Notwithstanding this, the inaccuracy to the shared driveway does not affect the ability to determine this application.
- The removal of a rear wall would not require planning permission.

PLANNING CONSIDERATIONS

The proposed development, without considering other matters (as outlined below) would constitute 'Permitted Development' by virtue of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 for the following reasons.

1. The extension would not result in more than 50% of the dwelling's curtilage being covered by buildings;
2. The extension would not exceed the height of the highest part of the roof of the existing dwellinghouse;
3. The eaves height of the extension would not exceed the height of the eaves of the existing dwellinghouse;

4. The extension would be within 2m of the boundary of the dwelling but the eaves height would not exceed 3m and the overall height would not exceed 4m;
5. The extension would not extend beyond a wall comprised in the principal elevation;
6. The extension would not extend beyond a wall comprised in the rear elevation of the existing dwellinghouse.
7. The extension would extend beyond a wall comprised in the side elevation of the existing dwellinghouse but it would not be nearer to a highway.
8. The extension would extend beyond the side wall of the original dwellinghouse and would be single storey. However, the resultant width of the dwellinghouse would not exceed the width of the original dwellinghouse by more than 50% and the extension would not exceed 4m in height;
9. The extension would not consist of or include the provision of a veranda, raised platform, balcony or roof terrace.

In addition, the extension would be finished using materials that would match the appearance of the existing house.

However, as indicated above, the original planning permission for this housing development (Planning Reference P/96/0254) includes a condition which requires the parking spaces identified on the approved plans to be retained for parking purposes at all times. In relation to this plot, the approved parking spaces were located adjacent to the north western side elevation of the dwelling. It is noted that one of these spaces has already been lost through the erection of a shed and fence, which it appears to have been in situ for over ten years. However, the proposed side extension would further encroach into the parking area (as indicated on plans approved under permission P/96/0254) and result in the loss of the remaining space. This would be in breach of this condition. Thus, whilst the extension may fall within the above parameters for permitted development, it cannot be erected without either an application to vary or removed that condition or a planning application for the erection of the extension. For this reason, it is recommended that the application is refused as the extension is not permitted without a further application which would assess the impact of the loss of this parking area.

It is therefore recommended that the application be refused.

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

The proposed extension would result in development on an approved parking space which would be in breach of condition 11 of planning permission P/96/0254 as it could not be retained for its permitted purpose.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

30/6/22