

DELEGATED REPORT

Application No: P/20/0001

Site Address: 10 Parc Cwm Pant Bach
Heolgerrig
Merthyr Tydfil
CF48 1TQ

Development: Insertion of rooflights to front and rear elevations

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 27th February 2020

Consultation reply date expired:

APPLICATION SITE

The application property is a two-storey, semi-detached dwelling situated within a residential estate in the area of Heolgerrig. The property fronts a westerly direction onto the street. It has a red brick finish,, white uPVC windows and a brown concrete tiled roof.

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 insertion of three skylight windows detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

The proposal seeks to insert two skylight windows within the rear roof plane and a single skylight window within the front roof plane of the dwelling. The information submitted with the application confirms that the skylights would not project more than 15cm from the plane of the existing roof.

PLANNING HISTORY

P/10/0236 - Erection of 52 dwellings and associated infrastructure works
Approved – 28.03.2011

PUBLICITY

The application seeks the determination of whether the proposed operations are lawful and no consultation with nearby properties is therefore required to be undertaken.

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

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 proposed rooflights, as detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

With relevance to this case, Schedule 2, Part 2, Class C of the Town and Country Planning (General Permitted Development) (as amended) 1995 states that the following development is permitted:

"Any other alteration to the roof of a dwellinghouse"

Class C then goes on to list the various criteria to be met by development in order to constitute permitted development. In this respect, it is noted that the application property is not listed nor is it located within a conservation area. Additionally, the proposed rooflights would not protrude more than 15cm beyond the plane of the slope of the original roof. Furthermore, the rooflights would not be located along the side elevation of the dwelling.

With no restrictive conditions or the removal of permitted development rights having been enforced on this particular property, it is considered that the evidence submitted

adequately indicates the proposal would be classed as permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Accordingly, it is recommended that a Certificate of Lawfulness be issued.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

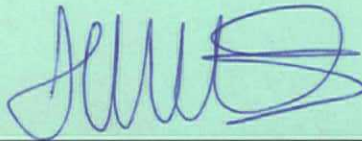
Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED.

REASONS:

1. The development is permitted development by virtue of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

8/1/20