

DELEGATED REPORT

Application No: P/21/0169

Site Address: 2 Ivy Close
Trelewis
Treharris
Merthyr Tydfil
CF46 6ET

Development: Certificate of lawfulness for a proposed single storey extension

Case Officer: Caroline Pulley

Site Visit: 13th May 2021

Application Expiry Date: 25th May 2021

APPLICATION SITE

The application site relates to a two-storey, semi-detached dwelling located within a residential estate in Trelewis. The property fronts a westerly direction onto the highway. It is bound by neighbouring properties on both sides and other properties to the rear.

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 a proposed single storey extension 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 proposed utility and dining room extension would measure 5.6m wide and 2.7m in depth. It would have a lean-to roof with a maximum height of 3.5m. The external walls would be finished in brick and the roof would be covered with concrete tiles.

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

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.

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 single storey extension, 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 A of the Town and Country Planning (General Permitted Development) (as amended) 1995 states that the following development is permitted:

'The enlargement, improvement or other alteration of a dwellinghouse'

Class A 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 proposed extension would project off the main back wall of the property. It would have a maximum height of 3.5m, which is below the maximum height allowance of 4m within 2m of the boundary. The eaves of the extension would also fall below the stipulated height restriction of 3m within 2m of the boundary. Also, the extension would satisfy the maximum depth allowance of 4m beyond the rear wall of the original dwellinghouse. Finally, it is noted that the extension satisfies the relevant conditions which require the external finishing materials to match the existing property.

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.

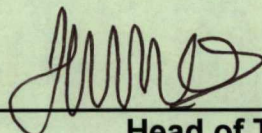
Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED.

REASON:

1. The development is permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

13/5/21