

DELEGATED REPORT

Application No:	P/25/0237
Site Address:	29 Kingfisher Crescent Merthyr Vale Merthyr Tydfil CF48 4TL
Development:	Proposed new single storey side extension and demolition of outbuilding
Case Officer:	Kate Glover
Site Visit:	1st October 2025
Application Expiry Date:	28th October 2025

APPLICATION SITE

The application relates to No. 29 Kingfisher Crescent which is a detached dwelling on a corner plot which is bound by residential properties on the east (No. 28) and south (No. 30), with the north side bound by the road Kingfisher Crescent and the west side is adjacent to a vehicular turning head.

The application property has a concrete tile pitched roof and its elevations are finished in a mixture of materials with render on the principal elevation and some render, although predominantly brick on all other elevations. The window frames, doors, roof goods and rainwater goods are uPVC. In the rear garden area of the property is a large mono-pitched outbuilding.

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 construction of proposed single storey side extension (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 proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

The side extension would be lean-to in design, incorporate a window in the side elevation (east), and the external materials would be finished in brick. The extension would measure 3.0m wide, 5.33m deep, eaves level would be set at 2.71 and the highest point of the roof would be set at 2.8m, and it would be set back 0.64m from the front (principal) elevation of the dwelling. The proposed extension would be 2.95m from the boundary of No. 30 which is the neighbour to the rear (south) of the site and 6.52m from the boundary of No. 28 which is the neighbour to the east (side) of the site.

As noted above there is a large outbuilding located in the garden area illustrated on the 'existing' plans. However, in the description of development, this building is stated to be demolished and is not included in the proposed plans. As such, the assessment of permitted development will focus solely on the proposed plans and the erection of a side extension.

PLANNING HISTORY

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

CONSULTATION

The determination of this application does not include any consideration of the planning merits of the case and 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 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 extension is 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 development would not result in more than 50% of the dwelling's curtilage being covered by buildings;
- A.1. (b): The development would not exceed the height of the highest part of the roof of the existing dwellinghouse;
- A.1. (c): the eaves height of the extension would not exceed the eaves height of the existing dwelling house;
- A.1. (d): the extension would not be within 2m of the boundary of the dwelling;
- A.1. (e): the extension would not extend beyond a wall comprised in the principal elevation;
- A.1. (f): The extension would extend beyond a wall comprised in the side elevation of the existing dwellinghouse, would not be adjacent to or closer to the highway;
- A.1. (g): The 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%;

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:**

The proposed side extension 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: 14.10.2025