

DELEGATED REPORT

Application No: P/23/0023

Site Address: 23 Salisbury Close
Heolgerrig
Merthyr Tydfil
CF48 1SD

Development: Single storey rear extension with alterations

Case Officer: Caroline Pulley

Site Visit: 2nd February 2023

Application Expiry Date: 24th March 2023

Consultation reply date expired:

APPLICATION SITE

The application relates to a semi-detached dormer bungalow located in Shirley Drive, Heolgerrig. The property is located within a small cul-de-sac and is bound by residential properties on both sides. Its rear boundary abuts an area of undeveloped land. The property has a flat roof dormer along its front and rear roof slope. The neighbouring properties either side are of a similar arrangement to the application property. They each benefit from a dormer extension to the front with number 24 to the east also having a skylight window to the rear and a first-floor window to the side.

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 proposed single storey extension (with alterations) 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 extension would be located along the rear elevation of the house. It would have an 'L' shaped footprint measuring 6.6m wide with a maximum depth of 3.3m from the main back wall of the property. Its monopitch roof would measure a maximum 2.6m in height (inclusive of a proposed roof light). The external walls of the extension would be completed in render and the roof would be covered with EPDM.

In addition to the above works, the submitted plans also detail the garden level around the extension being reduced by 600mm.

PLANNING HISTORY

The history relating to the property is as follows:

P/21/0035	Rear dormer extension	Approved 11.03.2021
-----------	-----------------------	---------------------

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 form an addition off the rear elevation of the dwelling. It would satisfy the maximum depth allowance of 4m beyond the rear wall of the original dwellinghouse. The development would also fall within the relevant height parameters, which require the extension not to exceed an eaves height of 3m within 2m of the boundary and a total height of 4m in height. Finally, it is noted that the extension would not exceed 50% of the total area of the curtilage and the development satisfies the relevant conditions, which require the eaves height of the extension not to be higher than the eaves height of the part of the building from which the extension projects. The external finishing materials should also match the existing property. While it is noted that the submitted plans also detail the garden level around the extension being reduced by 600mm, such works are not considered to require planning permission.

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) (as amended in Wales) Order 1995. 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 County Planning (General Permitted Development) (as amended in Wales) Order 1995

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

P.P.

DATE: 09.02.2023