

DELEGATED REPORT

Application No: P/21/0219

Site Address: Ty Mefus
Pentwyn Road
Treharris
CF46 5BS

Development: Single storey rear extension (Certificate of Lawfulness)

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 18th August 2021

Consultation reply date expired:

APPLICATION SITE

The application relates to a detached dwelling located within a generous curtilage off Pentwyn Road. The property is situated within a mainly residential area and is bounded by Pentwyn Road to the front and other residential dwellings on all other sides. The profile of the site is relatively flat.

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 extension would be located along the rear elevation of the house. It would measure 4.75m wide by 3.375m in depth. Its flat roof would measure 3.2m in height and would include a 600mm high lantern. The external walls of the extension would be completed in render to match the existing property and the roof would be covered with glass fibre. The windows are to be made of uPVC.

PLANNING HISTORY

P/21/0222 Non material amendment to planning permission P/10/0147 to reposition a side door and inclusion of window in the rear elevation.

Pending Decision

P/20/0181

Attached garage to side and rear of property and front porch
Approved – 14.09.2020

P/10/0147

Erection of two storey side extension, extensions to front and rear dormer windows, erection of single storey rear conservatory and erection of detached garage
Approved – 30.07.2010

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

5/7/21