

DELEGATED REPORT

Application No: P/20/0032

Site Address: Park Lodge Bungalow
Queens Road
Twynyrodyn
Merthyr Tydfil
CF47 0ES

Development: Single storey side extension

Case Officer: Caroline Pulley

Site Visit: 11th February 2020

Application Expiry Date: 1st April 2020

Consultation reply date expired:

APPLICATION SITE

The application site relates to a split level property situated within the Thomastown Conservation Area. The property is located in an elevated position to the east of Bryntirion Villas, a pair of semi-detached dwellings. It is located within an area which is mostly defined by large detached Victorian villas surrounded by large gardens. Directly to the south of the site and on the opposite side of a stepped footpath is a Grade II listed property called 'The Rectory'. To the east and also on the other side of the road is Springfield House, which is also Grade II Listed. To the rear of the site are the grounds of a pair of locally listed dwellings, Park Lodge and Dan Y Bryn.

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 bathroom/hall extension would be sited along the western side elevation of the property. It would have a rounded footprint measuring 2.4m in width and 4m in depth. Its roof would fall from a maximum height of 3.7m down to an eaves height of 2.2m. The external walls of the extension are to be finished in render and the roof would be covered with concrete tiles. The windows are to be white uPVC.

PLANNING HISTORY

P/19/0292 Dormer conversion comprising an increase in roof ridge height

with front and side dormers, introduction of Juliette balcony and construction of a front conservatory
Refused – 23.11.2019

P/15/0168

Outline planning permission for one detached dwelling
Withdrawn – 16.07.2015

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.'

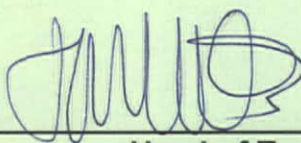
Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

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.

RECOMMENDATION ENDORSED

A handwritten signature in blue ink, consisting of several loops and a final flourish.

Head of Town Planning

DATE:

12/2/20

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 side wall of the property. It would not exceed 50% of the curtilage and the eaves would not be higher than the eaves height of elevation from which the extension would project. The eaves of the extension would also fall below the stipulated height restriction of 3m within 2m of the boundary. It is also noted that the width of the extension would not exceed 50% of the widest part of the original dwelling house. The extension also satisfies the relevant conditions which require the finishing materials to match the existing property and single storey side extensions in conservation areas not to extend beyond the side elevation of the original house by more than 3m and to be set back from the front elevation by at least a 1m.

The extension would however be within 5m of the boundary which adjoins an un-adopted lane. This lane is a no through road that only provides access to a single garage and a residential property called Dan-y-Bryn. It is not maintainable at public expense nor does it provide a route in which members of the public would need to use as it leads directly to the garden area of a single property. Taking all matters into account including the location of the lane in relation to the adopted carriageway, it is not considered that the access way forms a highway in planning terms. On this basis, the proposal satisfies part A.1 (f).

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) (Amendment) (Wales) Order 2013.