

DELEGATED REPORT

Application No: P/23/0162

Site Address: 22 Mount Terrace
Merthyr Tydfil
CF47 8TW

Development: Single storey rear extension (Lawful Development Certificate)

Case Officer: Nia Chard

Application Expiry Date: 16th August 2023

APPLICATION SITE

The application site relates to a mid-terraced property located in a mainly residential area. The site is bound by the highway to the front, other properties on either side and the front gardens of the properties along Well Street to the rear. The rear garden of the property occupies a higher level than the ground level of the dwelling.

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 submitted plans illustrate that an existing single storey extension would be extended. The rear extension would have a maximum width of 4.63m and a maximum depth of 3m. It would have a mono-pitched roof with a ridge height of 3.4m and an eaves height of 2.5m. The roof would be covered with concrete tiles to match the existing roof and the external walls would be finished with render to match the existing dwelling.

PLANNING HISTORY

There is no recent planning history relevant for the determination of this application.

CONSULTATION

None carried out

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

The proposed development is considered to constitute 'Permitted Development' by virtue of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 for the following reasons.

1. The extension would not result in more than 50% of the dwelling's curtilage being covered by buildings;
2. The extension would not exceed the height of the highest part of the roof of the existing dwellinghouse;
3. The eaves height of the extension would not exceed the height of the eaves of the main roof of the dwellinghouse (off which it would project);
4. The extension would be within 2m of the boundary of the dwelling, however the eaves height would not exceed 3m and the overall height would not exceed 4m in height.
5. The extension would not extend beyond a wall comprised in the principal elevation;
6. The extension would not extend beyond a wall comprised in the side elevation of the existing dwellinghouse.

7. The extension would extend beyond the rear wall of the original dwellinghouse and would be single storey but it would not extend out more than 4m from this elevation and would not exceed 4m in height;
8. The extension would not consist of or include the provision of a veranda, raised platform, balcony or roof terrace.

In addition, the extension walls would be finished using materials that would match the appearance of the existing house.

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.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

P.R.

DATE: 13.07.2023