

DELEGATED REPORT

Application No:	P/22/0180
Site Address:	Ty Bach 17 Trevithick Gardens Merthyr Tydfil CF47 0RP
Development:	Certificate of Lawfulness for the Construction of rear dormer
Case Officer:	Nia Chard
Application Expiry Date:	6th September 2022

APPLICATION SITE

The application site relates to a terrace property located in a mainly residential area. The site is bounded by a highway to the front and dwellings on either side. The profile of the site is 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 rear dormer roof extension and three skylight windows at 17 Trevithick Gardens 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 dormer would be sited on the north western (rear) roof plane of the dwelling. It would measure 4m in width and 3.4m in depth. It would have a flat roof construction with a height of 2.2m. The proposed finishing materials would match the existing dwelling.

The proposal also seeks to insert three skylight windows within the front roof pane of the dwelling. The information submitted with the application confirms that the skylights would not project more than 15cm from the plane of the existing roof.

PLANNING HISTORY

There is no recent planning history

CONSULTATION

No further consultation undertaken

PUBLICITY

The application seeks confirmation of whether the proposed operations are lawful. Therefore no consultation with nearby properties is required to be undertaken.

POLICY CONTEXT

The determination of this application does not include any consideration of the planning merits of the case. As such, there are no local development plan policies that need to be taken into account.

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 a proposed dormer 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.

Of relevance to this case, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (as amended) Order 1995 states that the following development is permitted:

'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof'

Class B 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 dormer roof extension would be sited on the rear roof plane of the dwelling. It would have a cubic volume of 15m³ which falls below the cubic allowance (40m³) permitted under part 'd' of Class B. It would be set back 20cm from the eaves of the main roof and would therefore be compliant with part 'e'. Its flat roof would be set below the ridge of the existing roof and would therefore satisfy part 'a'. The development would also be in compliance with the relevant conditions set out at part 'b.2' with the proposed materials matching the external finish of the existing dwelling.

"Any other alteration to the roof of a dwellinghouse"

Class C lists the various criteria to be met by development in order to constitute permitted development. The proposed rooflights would not protrude more than 15cm beyond the plane of the slope of the original roof. Furthermore, the rooflights would not be located along the side elevation of the dwelling.

The application property is not listed nor does it form part of a designated conservation area. With no restrictive conditions or the removal of permitted development rights having been enforced on this particular housing estate, it is considered that the evidence submitted adequately demonstrates the proposal would be classed as permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 1995. Accordingly, it is recommended that a Certificate of Lawfulness be issued.

RECOMMENDATION: BE APPROVED.

REASONS:

1. The development is permitted development by virtue of Schedule 2, Part 1, Class B and C of the Town and County Planning (General Permitted Development) (as amended in Wales) Order 1995

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

15/7/22