

DELEGATED REPORT

Application No: P/25/0126

Site Address: 5 Beacon Heights
Swansea Road
Merthyr Tydfil
CF48 1NL

Development: Construction of proposed Summer House within garden

Case Officer: Rebecca Owens

Application Expiry Date: 2nd July 2025

Consultation reply date expired:

APPLICATION SITE

The application relates to an end of terrace dwelling located in a mainly residential area. The site is bound by highways to the front and rear and other dwellings on either side.

DESCRIPTION

A Certificate of Lawful Development is sought for the erection of a summer house in the rear garden. The summer house would be 2.4m in depth by 4.26m in width and would have a mono pitched roof with an eaves height of 2m and a maximum height of 2.2m.

PLANNING HISTORY

The relevant planning history relating to this site is summarised below:

P/21/0285 Extend rear garden area into the grassed verge at the rear of the property
Granted planning permission subject to conditions on 26 January 2022

Condition 2 of this permission states:

“Notwithstanding the provisions of schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no outbuildings or structures shall be erected within the extended garden area hereby approved.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan”.

P/98/0112 Two storey rear extension

Granted panning permission subject to conditions on 9 July 1998

P/90/0149 P/90/0149

Granted panning permission subject to conditions on 21 June 1990

PLANNING CONSIDERATIONS

Based on the information provided, it would appear that the proposed development constitutes 'Permitted Development' by virtue of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 for the following reasons.

1. The summer house would not result in more than 50% of the total area of the curtilage being covered (excluding the original dwellinghouse);
2. The summer house would be located in the rear garden and thus it would not extend beyond the principle elevation of the dwelling;
3. The summer house garage would extend beyond a wall comprised in a side elevation of the existing dwellinghouse but it would not be nearer to a highway opposite this.
4. The summer house would be single storey;
5. The summerhouse would have a single pitch and its height would not exceed 3m from the ground immediately adjacent to it;
6. The summer house would be within 2m of the boundary of the dwellinghouse but would not exceed 2.5m in height from the ground immediately adjacent to it;
7. The eaves of the summer house would not exceed 2.5m;
8. The summer house would be situated over 2m from the dwellinghouse;
9. It is not within the curtilage of a listed building;
10. It does not involve the construction or provision of a veranda, balcony or other raised platform;
11. It would not include the enlargement, improvement, or any other alteration to any part of the dwellinghouse;
12. It does not involve microwave antenna and is not a container.

It would appear that the proposed summer house would normally constitute permitted development. However, the summer house is proposed on a section of the garden which did not form part of the dwelling's original curtilage. As such it does not benefit from permitted development rights. The planning permission for the change of use of this land is outlined above (Planning Ref: P/21/0285) and as noted this permission also included a condition which removed permitted development rights for outbuildings and structures within the extended garden area.

The development would therefore be in breach of this condition and accordingly it is recommended that the application be refused as planning permission is required.

RECOMMENDATION: BE REFUSED the following **REASON:**

The proposed summer house would result in development within the extended garden area which does not form part of the original curtilage. As such it does not benefit from permitted development rights and would be contrary to condition 2 of planning permission P/210285. Accordingly planning permission is required for this development.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 15.05.2025