

DELEGATED REPORT

Application No:	P/24/0258
Site Address:	56 Penybryn Penydarren Merthyr Tydfil CF47 9YY
Development:	Certificate of lawfulness for a side extension to provide lobby/wallway area
Case Officer:	Marlene Ferreira
Application Expiry Date:	3rd January 2025

APPLICATION SITE

The application site relates to a semi-detached dwelling, 56 Penybryn, in the area of Penydarren. The dwelling, finished with rendered elevations, is located at a significantly lower level to the highway and accessed via concrete steps. The property is served by an outbuilding to the western side of the property, which appears to be original to the dwelling and other dwellings along this street, many of which have been refurbished or demolished and rebuilt (at a slightly larger scale). The dwelling does not benefit from on-site parking, however, there is on-street parking available to the front of the property, along the front highway.

DESCRIPTION OF DEVELOPMENT

This application is a lawful development certificate in respect of a proposed single storey extension to the side of the property. The application has therefore been submitted to determine whether the proposed extension is 'permitted development' under the Town and Country Planning (General Permitted Development) (Amendment) Order 2013.

The submitted plans illustrate that a new flat roof extension would be constructed at the side of the property attached to the existing outbuilding. This would provide a lobby/walkway connecting the dwelling's kitchen area with the store/utility area within the outbuilding. The extension would be finished with matching materials and would measure 0.75m wide, 4.7m deep and 2.5 metres in height.

PLANNING HISTORY

The council's records do not show any other relevant or recent planning history relating to this property which would be relevant to the consideration of this application.

CONSULTATIONS

None are applicable under certificate of lawfulness applications.

PUBLICITY

None are applicable under certificate of lawfulness applications.

POLICY CONTEXT

As a certificate of lawfulness is sought for the proposed extension, the planning merits of the proposal are not under consideration. The planning policies are therefore not relevant to the assessment of this application.

PLANNING CONSIDERATIONS

This application, in respect of the proposed extension, is considered under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) (Amendment) Order 2013. Part 1, Class A allows an extension to the property subject to the following conditions:

- A.1** *a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;*
- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*
- (d) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and—*
- (i) the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 3 metres; or*
- (ii) the height of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 4 metres;*
- (e) the enlarged part of the dwellinghouse would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;*
- (f) the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the existing dwellinghouse, and would be nearer to the highway than—*
- (i) the wall comprised in that side elevation which is nearest to the highway;*
or
(ii) any point 5 metres from the highway;
whichever is the nearer to the highway;
- (g) the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have a single storey and—*

- (i) the enlarged part of the dwellinghouse would exceed 4 metres in height; or*
- (ii) the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;*

(h) *the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—*

- (i) the enlarged part of the dwellinghouse would be within 10.5 metres of any boundary which is—
 - (aa) a boundary of the curtilage of the dwellinghouse; and*
 - (bb) opposite the relevant side elevation;**
- (ii) the enlarged part of the dwellinghouse would be set back, by less than 1 metre, from the point nearest to that part in any wall comprised in the principal elevation of the original dwellinghouse; or*
- (iii) the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;*

(i) *the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have a single storey and would —*

- (i) extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres; or*
- (ii) exceed 4 metres in height;*

(j) *the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—*

- (i) the ground floor storey would extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres;*
- (ii) the first floor or higher storey would extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 3 metres; or*
- (iii) the first floor or higher storey would be within 10.5 metres of any boundary which is—
 - (aa) a boundary of the curtilage of the dwellinghouse; and*
 - (bb) opposite the rear wall of the dwellinghouse;**

A.3 (a) *the appearance of the materials used in the walls, roof or other element of any exterior work must so far as practicable match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse.*

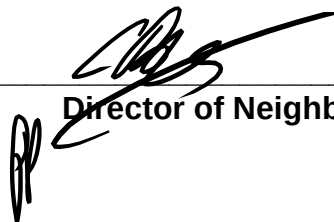
The proposed single storey extension would not result in a development which would exceed 50% of the total curtilage area and as such would comply with part A.1a). The proposed extension would be within 2 metres of the boundary, but it would sit between the existing dwelling and existing outbuilding and would have a 2.5m high flat roof. As such, it would comply with part A.1 b), c) and d). The extension would not extend beyond the principal elevation or the rear elevation and would comply with part A.1e), i) and j). The proposed extension would extend beyond a wall comprised in the side elevation, but it would not be nearer to any highway, would not exceed 4 metres in height (or contain more than one storey), and it would not exceed the width of the original dwelling by more than 50% (as noted above). As such, it would comply with part A.1 (f), (g) and (h). The proposed extension would be finished in matching materials and finishes and as such, would comply with part A.3 (a). The proposed extension therefore satisfies the above relevant conditions and would be classed as permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2013.

Furthermore, it should be noted that the Council does not hold any records which suggests that there are restrictive conditions or that the removal of permitted development rights have been enforced on this particular property. Thus, it is considered that the evidence submitted adequately indicates that the proposed development would be classed as permitted development. Accordingly, it is recommended that a certificate of lawfulness be issued.

RECOMMENDATION: BE APPROVED

1. The proposed extension 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 28.11.2024