

DELEGATED REPORT

Application No: P/25/0006

Site Address: 70 Sweetwater Park
Trefechan
Merthyr Tydfil
CF48 2LF

Development: Certificate of Lawfulness for a single storey rear extension

Case Officer: Kate Glover

Site Visit: 21st January 2025

Application Expiry Date: 6th March 2025

APPLICATION SITE

The application relates to a three storey, detached house located within a large residential development. The property is bound by residential properties on three sides and the principal elevation faces over the adopted highway.

As referred to above the application property has three storeys, the main section of the house is two storey and above ground level, in addition, the property benefits from garage space which has been constructed at below ground level. The materials used on the external surfaces of the property are concrete tiles on the pitched roofs and its elevations are finished in redbrick. The window frames, doors, roof goods and rainwater goods are uPVC.

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 rear 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.

The proposed rear extension would be located on part of the rear of the property and would be 1.39m from the neighbour's boundary (west). The extension would incorporate a roof lantern, and the external materials would be finished in brick to match the dwelling, a French window would be provided in the elevation (eastern side). The extension would measure 5.06m wide with a maximum depth of 3.10m. Its flat roof would measure a maximum 2.80m in height, and the total height which would include the roof lantern, would measure a maximum of 2.94m.

PLANNING HISTORY

The relevant planning history is summarised below:

P/13/0384 Erection of 19 dwellings and associated highway works to existing unadopted access road (Full)
Granted 03 Apr 2014

P/05/0278 Residential development (Full)
Granted 07 Jul 2005

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

The proposed rear extension is considered to constitute Permitted Development by virtue of the following sections of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted development) (Amendment) (Wales) Order 2013 which relate to single storey extensions:

- A.1. (a): The development would not result in more than 50% of the dwelling's curtilage being covered by buildings;
- A.1. (b): The development would not exceed the height of the highest part of the roof of the existing dwellinghouse;
- A.1. (c): The development would not exceed the eaves of the existing dwelling house.
- A.1. (d): the development would be within 2m of the boundary of the dwelling and the height eaves would not exceed 3m and no part of the development exceed a height of 4m;
- A.1. (e): the development would not extend beyond a wall comprised in the principal elevation;
- A.1. (f, g and h): The development would not extend beyond a wall comprised in the side elevation;
- A.1. (i): The rear extension would extend beyond a wall comprised in the rear elevation of the original dwellinghouse and would be single storey. However, the extension does not extend further than 4m from the rear wall of the original dwelling house and would not exceed 4m in height.

Class A of Part 1, Schedule 2 of the PD Order also includes Condition A.3. (a) which requires that 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 plans illustrate the walls of the extension would be finished using materials that would match the appearance of the existing house.

It is therefore recommended that the application be approved.

RECOMMENDATION: BE APPROVED for the following **REASON:**

1. The proposed single storey extension to the rear of dwellinghouse constitutes 'Permitted Development' by virtue of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

RECOMMENDATION ENDORSED



pp Director of Neighbourhood Services

DATE: 21.02.2025