

DELEGATED REPORT

Application No: P/25/0131

Site Address: Heddfan
Stable Yard
Upper Union Street
Dowlais
Merthyr Tydfil

Development: Certificate of lawfulness for a proposed single storey side extension

Case Officer: Marlene Ferreira

Application Expiry Date: 4th July 2025

Consultation reply date expired:

APPLICATION SITE

The application site relates to a detached dwelling, Heddfan, accessed off Upper Union Street. The property, which is finished with rendered elevations and slate roof tiles, is accessed through an archway of a former stable building, since the dwelling lies within the confines of the Grade II Listed Building site, which comprises a Grade II Listed Building, Dowlais Work Stables to the front of the site and a Grade II Listed Building, Stables House, to rear of the site. The dwelling, which also lies within the Dowlais Conservation Area, is served by a large outbuilding with garage. The garage appears to be available to serve the users of the property. The outbuilding appears to have been converted into an air b&b accommodation. Additional unrestricted on-street parking is available along Union Street, just outside the stable yard site.

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 small scale pitched roof extension would be constructed at the side of the property. It would measure 1.95m wide, 2.85m deep with a 2.4m eaves height and a 3.5m ridge height and would provide a new bathroom to serve the dwelling. The existing internal layout would also be reconfigured to provide a large 'L' shaped kitchen/dining/living area.

PLANNING HISTORY

The following planning history is relevant to this site:

P/24/0022 - Change of use of part Annex to Air bnb – Approved: 17th May 2024

P/23/0149 – Certificate of Lawfulness for single storey extension – Approved: 13th July 2023

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.2 In the case of a dwellinghouse on article 1(5) land or within a World Heritage Site, development is not permitted by Class A if:

(a) it would consist of or include the cladding of any part of the exterior of the existing dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic, metal or tiles;

(b) it would consist of or include external wall insulation;

(c) the enlarged part of the dwellinghouse would have a single storey, would extend beyond a wall comprised in a side elevation of the original dwellinghouse and would—

(i) extend beyond the relevant part or, as the case may be, any of the relevant parts of a wall comprised in a side elevation of the original dwellinghouse by more than 3 metres; or

(ii) be set back, by less than 1 metre, from the nearest point in any wall comprised in the principal elevation of the original dwellinghouse; or

(d) the enlarged part of the dwellinghouse would have more than one storey, either in its own right or if considered together with any part of the existing 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 not be within 2 metres of the boundary, its eaves height would not exceed 3 metres and its ridge height would not exceed 4 metres. 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 not extend beyond the rear elevation or have more than 1 storey as noted earlier. As such, it would comply with part A.1 (i) and (j). The development does not include any works to the elevations of the property, such as changes to materials or external wall insulation. Furthermore, the extension would not extend more than 3m from the wall of the original dwelling and would be set back more than 1 metre from the front elevation. As such, it would comply with part A.2 (a), (b), (c) and (d).

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 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



Director of Neighbourhood Services

DATE: 26.06.2025