

OFFICER REPORT

Application Number: 23/02074/CLD
Site Address: 10 Baron's Court Road Penylan
Cardiff CF23 9DF
Proposal: Rear dormer loft conversion
Ward: PENYLAN
Case Officer: Gareth Starling
Date Validated: 13 September 2023

Extension of Time Date:
Site Notice Expiry:
Press Advert Expiry:

Determination Date: 8 November 2023

Decision Date: 20230926

Agent: MR DAVID THOMAS

Applicant: MR Goharjouy Abbass

RECOMMENDATION - Permission Granted

RECOMMENDATION: That CARDIFF COUNTY COUNCIL, as Local Planning Authority for County of Cardiff, in pursuance of its powers under the above mentioned Acts and Orders, hereby CERTIFIES that the proposed use of, or development on, the above land as specified would be LAWFUL within the meaning of Section 192 of the Town and Country Planning Act 1990 for the following reason:

The proposal as detailed in the submitted plans would constitute development permitted by Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales).

1. THE APPLICATION

1.1 This application is for a Certificate of Lawfulness certifying that the conversion of the loft space into a habitable room, rear dormer roof extension of the property constitutes

Permitted Development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales).

2. THE SITE

- 2.1 The property is a semi-detached residential dwelling and falls within Use Class C3 (Dwelling houses) of the Town and Country Planning (Use Classes) Order 1987.
- 2.2 The dwelling is not a listed building nor in a designated conservation area and is not subject to any Article 4 Direction. A detailed search of the planning history for the site confirms that the property enjoys full 'Permitted Development Rights'.

3. THE DEVELOPMENT

- 3.1 For the conversion of the loft space into a habitable room, rear dormer roof extension to be lawful it must meet the requirements as set out in Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales). The provisions and the consideration given to this application are as follows:

Class B

Development not permitted

B.1 Development is not permitted by Class B if—

any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the

existing roof;

No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.

(b) *any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse;*

No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse.

- (c) *any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which—*
- (i) *is comprised in a side elevation of the existing dwellinghouse; and*
 - (ii) *is within 10.5 metres from a highway opposite the side elevation of the dwellinghouse;*

No part of the dwellinghouse, would as a result of the works extend beyond the plane of any existing roof slope which is comprised in a side elevation of the existing dwellinghouse; and is within 10.5 metres from a highway opposite the side elevation of the dwellinghouse.

- (d) *the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—*
- (i) *40 cubic metres in the case of a terrace house; or*
 - (ii) *50 cubic metres in any other case;*

The cubic content of the proposed rear dormer would equate to approximately 15.4 cubic metres. The ‘Permitted Development’ allowance for roof extensions made to semi-detached properties is 50 cubic metres. The cubic content of the proposed rear dormer roof extension would, therefore, not exceed the ‘Permitted Development’ allowance.

- (e) *other than in the case of a hip to gable enlargement, any part of the enlargement would be less than 20 centimetres from the eaves of the existing roof;*

The plans confirm that the proposed rear dormer would be set back at least 20 centimetres from the eaves of the existing roof.

- (f) *it would consist of or include—*
- (i) *the construction or provision of a veranda or raised platform;*
 - (ii) *the construction or provision of a balcony which—*
 - (aa) *contains a platform of any description;*
 - (bb) *projects from the part of the exterior of the dwellinghouse to which it is affixed by more than 30 centimetres; or*

- (cc) *if projected downwards in a vertical line to ground level, is within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation; or*
- (iii) *the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure;*

The proposal would not consist of any of the above works.

- (g) *the dwellinghouse is on article 1(5) land or within a World Heritage Site.*

The dwellinghouse is not on article 1 (5) land or within a World Heritage Site.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) *the appearance of the materials used in each element of any exterior work must so far as practicable match the appearance of the materials used in the equivalent element of the existing dwellinghouse;*

The plans submitted as part of the application confirm that the appearance of the materials used in the exterior work would match the appearance of the materials used in the equivalent element of the existing property.

- (b) *if any element of a window inserted on a roof slope or other element of a side elevation of the dwellinghouse would, if projected downwards in a vertical line to ground level, be within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation, then the window must be—*
 - (i) *obscure-glazed;*
 - (ii) *non-opening unless any part of the window which can be opened is, when measured at any point along the lowest edge of that part, at least 1.7 metres above the internal floor or stair of the dwellinghouse directly below that point;*

The proposal will not include the insertion of windows in any side elevation of the property.

N.B. The creation of a habitable room in the loft space is considered to be internal works and is not development requiring planning permission

4. CONCLUSION

The proposed rear dormer roof extension of the property as detailed in the submitted plans would constitute development permitted by Class B of Part 1 in Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales).

5. RECOMMENDATION

Given the above evidence and in line with the above guidance Officers recommend issuing a Lawful Development for the proposed rear dormer roof extension of the property.

6. REASON

The proposed rear dormer roof extension of the property as detailed in the submitted plans would constitute development permitted by Class B of Part 1 in Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales).