

## OFFICER REPORT

**Application Number:** 23/02183/CLD

**Site Address:** 62 Windsor Avenue Radyr Cardiff  
CF15 8BY

**Proposal:** Single storey side extension and associated works

**Ward:** RADYR AND MORGANSTOWN

**Case Officer:** Gareth Starling

**Date Validated:** 22 September 2023

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

**Determination Date:** 17 November 2023

**Decision Date:** 20230928

**Agent:** Mr Jonathan Brake                      **Applicant:** Mr Jeff Williams

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### RECOMMENDATION - Refuse

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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 **UNLAWFUL** 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 **NOT** constitute development permitted by Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), as the proposed extension would extend beyond the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres contrary to paragraph A.1(i) of Class A.

#### 1. THE APPLICATION

1.1 This application is for a Certificate of Lawfulness certifying that a single storey extension 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 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 confirmed that the property still enjoys its full 'Permitted Development Rights'

## 3. THE DEVELOPMENT

3.1 For the single storey extension to be lawful it must meet the requirements as set out in Schedule 2, Part 1, Class A 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 A

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

(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);*

**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 equate to approximately 10.5 square metres and the total area of the curtilage of the property (excluding the ground area of the original dwellinghouse) equates to approximately 320 square metres. The total area of ground covered by the proposed extension would not, therefore, exceed 50% of the total area of the curtilage.**

*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;*

**The height of the extension would not exceed the highest part of the roof of the existing dwelling house.**

*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;*

**The height of the eaves of the extension will not exceed the highest part of the eaves of the existing dwelling house.**

*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;*

**The proposed extension would not be sited within 2 metres of a boundary of the curtilage of the dwellinghouse.**

*the enlarged part of the dwellinghouse would extend beyond a wall comprised in the principal elevation*

*of the original dwellinghouse;*

**The extension would not extend beyond a wall comprised in the principle elevation of the property.**

- (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 nearer to the highway;*

**The extension is not in a side elevation which is nearest to the highway and is further than 5 metres from 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%;*

**The extension would not exceed 4 metres in height, the width of the widest part of the resulting dwellinghouse is approximately 12.7 metres and the width of the widest part of the original dwellinghouse is approximately 12.7 metres. The width of the widest part of the resulting dwellinghouse would not, therefore, 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%;*

**The extension will be single storey only.**

*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;*

**The extension would extend beyond the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres.**

*Provision (j) relates to rear extensions of more than one storey*

**The extension will be single storey only.**

*Provision (k) relates to external wall insulation*

**The proposed works do not include any external wall insulation.**

*(l) 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;*
  - (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*
  - (dd) would be affixed to a wall comprised in the principal elevation of the dwellinghouse;*
- (iii) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure;*
- (iv) the installation, alteration or replacement of a microwave antenna;*
- (v) the installation, alteration or replacement of a chimney;*
- (vi) the installation, alteration or replacement of an air source heat pump, solar PV or solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system;*
- (vii) the installation of shutters on any part of the principal elevation of the dwellinghouse; or*
- (viii) an alteration to any part of the roof of the dwellinghouse, being an alteration which does not fall within paragraphs A.1(l)(i) to(vii).*

**The extension will not consist of any of the above works.**

*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.*

**The property is not on Article 1 (5) land or within a World Heritage site.**

*A.3. Development is permitted by Class A subject to the following conditions—*

- (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 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) Relates to the provision of windows at an upper floor level*
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part must, so far as practicable, match the roof pitch of the existing dwellinghouse.*

**The extension would be single storey only.**

4. CONCLUSION

The proposed single storey extension **DOES NOT** constitute development permitted by Class A 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 **DO NOT** recommend issuing a Lawful Development for the proposed single storey extension.

6. REASON

The single storey extension **DOES NOT** constitute development permitted by Class A of Part 1 in Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales).

RECOMMENDATION - Refuse subject to the following conditions / reasons :

- 1 The proposal as detailed in the submitted plans would NOT constitute development permitted by Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), as the proposed extension would extend beyond the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres contrary to paragraph A.1(i) of Class A.