

Application Number: 24/0033/CLPU

Date Received: 16.01.2024

Applicant: Mr & Mrs G Davies

Description and Location of Development: Obtain a Lawful Development Certificate for proposed single storey rear extension - St Albans Llanarth Road Springfield Pontllanfraith Blackwood

APPLICATION TYPE: Certificate Lawful Proposed Use/Dev

SITE AND DEVELOPMENT

Location: St Albans, Llanarth Road, Springfield, Pontllanfraith, NP12 2LG.

Site description: The application site is a detached bungalow.

Development: A Lawful Development Certificate is sought to erect a single storey rear extension.

Dimensions: The proposed extension is 3 metres high and 5.23 metres long.

Materials: The materials will match.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

Not Applicable.

CONSULTATION

None.

ADVERTISEMENT

Not Applicable.

ANALYSIS

The application is a request under Section 192 of the Town and Country Planning Act (1990) as to whether the proposed single storey rear extension would be lawful when

assessed against the requisite criteria Class A of Part 1 of Schedule 2 in the Town and Country Planning (General Permitted Development) (Amended) (Wales) Order 2013.

The Planning History of the site does not include a condition restricting the Permitted Development rights of the site. The application can, therefore, be assessed against the aforementioned legislation.

Class A Development allows for single and two storey side and rear extensions at existing dwelling houses subject to several conditions/limitations.

Permitted Development Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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 dwelling) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); The proposed works do not exceed 50% of the total area of the curtilage.

(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; The proposed works do not exceed the ridge height 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; The proposed eaves height will not exceed the eaves height of the main roof of the existing dwellinghouse.

(d) The enlarged part of the dwellinghouse would be within 2m 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 overall height of the proposed extension does not exceed 3 metres.

(e) The enlarged part of the dwellinghouse would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;

The proposed works do not extend beyond the wall comprised in the principal elevation of the original dwellinghouse;

Not applicable in that the proposed extension is to be located at the rear 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 the highway; or

(ii) Any point 5 metres from the highway;

Not applicable in that the proposed extension is to be located at the rear of the property and will not extend beyond a wall comprised in a side elevation of the existing dwellinghouse.

(g) The enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the existing dwellinghouse, would have a single storey and -

- (i) The enlarged part of the dwellinghouse would exceed 4m 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%;

Not applicable in that the proposed extension is to be located at the rear of the property and will not extend beyond a wall comprised in a side elevation of the existing dwellinghouse.

(h) The enlarged part of the dwellinghouse would extend beyond a wall 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%;

Not applicable in that the proposed extension is to be located at the rear of the property, will not extend beyond a wall comprised in a side elevation of the existing dwellinghouse. and is limited to single storey.

(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;

The proposed extension measures 5.23 metres from the rear wall of the original dwellinghouse and therefore fails to comply with criterion i(i).

(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;

Not applicable in that the proposed extension is single storey in height.

(k) It would consist of or include external wall insulation which projects from that part of the exterior of the dwellinghouse to which it is affixed by more than 16 centimetres; or

(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).

Not applicable in that the proposed extension does not involve any of the above.

A.2 - Only relevant to buildings on article 1(5) land or within a World heritage Site
The site is not located on article 1(5) land nor is it 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;

(b) Relates to upper floor windows;

(c) Relates to roof pitch on developments of more than one storey;

Noted; with regard to point (a) the materials will match those on the existing dwelling, as far as practicable. Points (b) and (c) are not relevant to this application.

A.4 - Interpretation of paragraph A.1(b)

(a) In determining the height of the highest part of the roof of the existing dwellinghouse, no account is to be taken of any relevant structure projecting from that roof;

(b) In the determination of the height of the highest part of the dwellinghouse enlarged, improved or altered, account is to be taken of any relevant structure comprised in that part; and

(c) "Relevant structure" means any parapet wall, firewall, chimney or other roof furniture or similar structure;

Noted; the roof height has been measured and calculated in accordance with this interpretation.

A.5 - Interpretation of paragraph A.1(c) and A.1(d) in relation to eaves height

(a) The determination is to be made by reference to the point where the external walls of the dwellinghouse would, if projected upwards, meet the lowest point of the upper surface of the roof; but

(b) No account is to be taken of any parapet wall or any part of the roof slope which overhangs the external walls of the dwellinghouse; and

(c) where the existing dwellinghouse has eaves at differing heights, a determination for the purposes of paragraph A.1(c) is to be made by reference to the eaves of the part of the existing dwellinghouse from which the enlarged, improved or altered part of the dwellinghouse extends;

Noted; the eaves height has been measured and calculated in accordance with this interpretation.

A.6 - Interpretation of relationship of proposed works to principal and side elevation walls.

(a) In the case of a wall referred to in paragraph A.1(e)—

(i) That wall in its original form; or

(ii) That wall as it would exist if its original form were to have been extended, continuing the line of the wall, from each of its side edges to the boundary of the present curtilage of the dwellinghouse; or

(b) In the case of a wall referred to in paragraph A.1(f)—

(i) That wall as it exists; or

(ii) That wall as it would exist if it were to be extended, continuing the line of the wall, from each of its side edges to the boundary of the curtilage of the dwellinghouse.

Noted.

A.7 - Interpretation of calculation of proposed height of works.

In determining the height of the enlarged part of the dwellinghouse for the purposes of paragraph A.1(g)(i) or A.1(i)(ii), account is to be taken of any parapet wall, firewall, chimney or other roof furniture or similar structure comprised in that part.

Noted; the roof heights have been calculated accordingly.

A.8 - Interpretation of how to calculate the 50% width increase on any extensions to the side of the property.

For the purposes of paragraph A.1(g)(ii) or A.1 (h)(iii) "resulting dwellinghouse" means the dwellinghouse as enlarged, improved or altered, taking into account any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this Part or not.

Noted.

Reasons to approve/refuse: The operations described in the First Schedule to this Certificate, in respect of the land in the Second Schedule to this Certificate and edged red on the plan attached to this certificate would not be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991) for the following reason:-

The proposed operations would not be development permitted by Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in that the proposed single storey rear extension extends beyond the rear wall of the original dwellinghouse by more than 4 metres. As such, the proposed development would not be lawful and would require the benefit of specific planning permission to be carried out.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be REFUSED

This permission is subject to the following condition(s)

- 01) The operations described in the First Schedule to this Certificate, in respect of the land in the Second Schedule to this Certificate and edged red on the plan attached to this certificate would not be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991) for the following reason:-

Having regard to the conditions associated with the enlargement of a dwellinghouse as set out in Class A, the length of the proposed single storey rear extension would extend beyond the rear wall of the original dwellinghouse by more than 4 metres and therefore would not constitute permitted development in

accordance with the requirements of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. As such, the proposed development would not be lawful.