

Application Number: 24/0269/CLPU

Date Received: 08.04.2024

Applicant: Mr S Lewis

Description and Location of Development: Obtain a Lawful Development Certificate for proposed single storey rear extension - 17 Clos Waun Ceffyl Nelson Treharris CF46 6LB

APPLICATION TYPE: Certificate Lawful Proposed Use/Dev

SITE AND DEVELOPMENT

Location: 17 Clos Waun Ceffyl, Nelson, Treharris, CF46 6LB.

House type: The application site is a semi-detached property.

Development: Obtain a Lawful Development Certificate for a single storey rear extension.

Dimensions: The proposed extension measures 4 metres long and 2.8 metres high.

Materials: All materials are to match the host dwelling.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 21/0763/CLPU-Obtain a Lawful Development Certificate for proposed loft conversion with rear flat roof dormer and front roof lights – Granted 20.10.2021.

POLICY

Not Applicable.

CONSULTATION

None.

ADVERTISEMENT

Not Applicable.

ANALYSIS

Analysis of GPDO or evidence: The application is a request under Section 192 of the Town and Country Planning Act (1990) as to whether the single storey side 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 total ground area of the proposed extension does not exceed 50% of the total garden area.

(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 will 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 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 proposed eaves does not exceed 3m in height and the proposed ridge does not exceed 4m in height.

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

No; the proposed works to the side of the property do not 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 the highway; or
 - (ii) any point 5 metres from the highway;

No; the proposed works are more than 5 metres away from the highway.

- (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%

No; the proposed side extension does not exceed 4m in height or 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 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%

No; the proposed works are single storey only and so (h) is not relevant.

- (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 works do not extend more than 4 metres beyond the rear elevation of the dwellinghouse and do not exceed more than 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;

No; the proposed works are single storey only and so (j) is not relevant.

(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

No; the works do not include 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).

No; the proposed works do not include 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 specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, were lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

It has been demonstrated by the applicant(s), to the satisfaction of the Local Planning Authority, that the proposed single storey side extension would 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.

And, as such, would be lawful in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991).

RECOMMENDATION that Permission be GRANTED

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 specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, were lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

It has been demonstrated by the applicant(s), to the satisfaction of the Local Planning Authority, that the proposed single storey rear extension would 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.

And, as such, would be lawful in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991).