



PLANNING & DEVELOPMENT COMMITTEE

15 OCTOBER 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0885/09 (DN)
APPLICANT: Mr Lewis
DEVELOPMENT: Insertion of rooflights to front and rear.
LOCATION: 2 WESLEY COTTAGE, ABERDARE ROAD,
ABERCYNON, MOUNTAIN ASH, CF45 4NP
DATE REGISTERED: 15/09/2020
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Grant Certificate confirming works are lawful

REASONS:

The proposal meets all the criteria set out in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Consequently the development is lawful for planning purposes and planning permission is not required for the proposed extension. A Certificate of Lawfulness can therefore be issued.

REASON APPLICATION REPORTED TO COMMITTEE:

The application is reported to Committee as the applicant, Rhys Lewis, is an Elected Member of this Authority

APPLICATION DETAILS

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether the construction of rooflights to the front and rear as detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

The rooflight on the front elevation would measure 0.9 metres in width, and have a height of 0.9 metres. One of the rooflights on the rear elevation would measure 0.9

metres in width, and have a height of 0.9 metres, the other rooflight on the rear elevation would measure 0.5 metres in width, and have a height of 0.5 metres.

The application is accompanied by the following:

- A fully signed application form
- A form to confirm CIL status
- A location plan (1:1250)
- Existing Floor Plans
- Existing Elevation Plans
- Proposed Floor Plans
- Proposed Elevation Plans

SITE APPRAISAL

The application property is one of a pair of semi-detached houses within the established settlement of Abercynon. The property is set within a small corner plot and is bounded on its north and east facing elevations by the garden of 1 Wesley Cottage, on the south facing elevation by the back lane between Wesley Street and New Street, and on the west facing elevation by Aberdare Road.

The closest neighbouring properties are the adjoining property to the north, 1 Wesley Cottage. 13.5 metres to the south by 2 New Street, 13.5 metres to the south-by-south-west by 1 New Street, 17.5 metres to the south-west by 4 Elizabeth Street, 16 metres to the north-west by 1 Ann Street, and 10.5 metres to the north-east by 3 Wesley Street.

The site is situated inside the defined settlement boundary as prescribed by the Rhondda Cynon Taf Local Development Plan.

PLANNING HISTORY

20/0247/10 – Single Storey Rear Extension – Granted at Committee

PUBLICITY

The application seeks the determination of whether the proposal is lawful and no consultation with nearby properties is therefore required to be undertaken.

CONSULTATION

No consultation undertaken.

National Guidance

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

REASONS FOR REACHING THE RECOMMENDATION

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether the extension, as detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

With relevance to this case, Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 states that the following development is permitted:

'Any other alteration to the roof of a dwellinghouse.'

Class C then goes on to list the various criteria to be met by development in order to constitute permitted development. This proposal for the construction of a rooflights to the front and rear meets all the criteria set out in Class C. Consequently, the proposed works are permitted development and planning permission is not required.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The proposal meets all of the criteria set out in Schedule 2, Part 1, class C of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Consequently the development is lawful for planning purposes and planning permission is not required. A Certificate of Lawfulness can therefore be issued for this proposal.

