

## Planning, Taxi Licensing and Rights of Way Committee Report

<b>Application No:</b>	P/2017/0359	<b>Grid Ref:</b>	305624.31 262033.42
<b>Community Council:</b>	Llandrindod Wells	<b>Valid Date:</b>	<b>Officer:</b> 03/04/2017 Isobel Davies
<b>Applicant:</b>	Mr Wyn Richards, 19 Holcombe Drive, Llandrindod Wells, Powys LD1 6DN		
<b>Location:</b>	19 Holcombe Drive, Llandrindod Wells, Powys LD1 6DN		
<b>Proposal:</b>	Section 192 Certificate of Lawfulness for a proposed use in relation to replacement conservatory and installation of patio doors		
<b>Application Type:</b>	App. Proposed Certificate Lawful Development Proposed use or development		

### The reason for Committee determination

The section 192 application is made by a Powys County Council employee who has regular dealings with Development Management and therefore in accordance with the Planning Protocol, the application is required to be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

### Site Location and Description

No.19 Holcombe Drive is a detached bungalow situated within a large residential housing estate that is situated to the northwest of Llandrindod Wells. The property is the middle property of three that is sited within a reasonable size plot that is made up of an enclosed garden to the side and rear and an area of hardstanding and grass to the front.

An application for a lawful development certificate for a proposed development is being sought for the erection of a replacement conservatory in a revised location and the enlargement of an existing window opening to allow for patio doors.

### Consultee Response

No consultees for an application of this nature.

### Public Response

No site notice for an application of this nature

### Planning History

No history

### Principal Planning Constraints

None

## **Principal Planning Policies**

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

## **Officer Appraisal**

### Introduction

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### Principle of Development

Provision is made within Section 191 and 192 of the Town and Country Planning Act 1990 for anyone (not just a person with a legal interest in the land) to apply to the Local Planning Authority for a lawful development certificate (LDC).

In this case, the application is submitted under Section 192 and seeks to determine if a proposed development (new conservatory and patio doors) is lawful.

In determining this application it is whether the proposal meets with the criteria as laid out in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 allows for the enlargement, improvement or other alteration of a dwellinghouse providing that it satisfies the criteria detailed within.

### Information Submitted

Details and plans submitted indicate that the proposal is for an existing conservatory to be removed from the rear of the property and a new conservatory to be erected still at the rear but in a revised location. Access into the conservatory from the property will be created through the removal of an existing window on the rear, the enlargement of the opening and the insertion of new patio doors.

Plans and details submitted show that the proposed conservatory is to be constructed of white UPVC, with a brick dwarf wall and a manmade slate roof. The dimensions of the proposed conservatory will be 4metres by 4 metres, 2.1 metres to the eaves and 3.8 metres to the ridge.

### Consideration of Information Submitted

Having considered the proposed development in accordance with Class A, it is the opinion of Development Management that the proposal can be considered permitted development for the following reasons:

- The total ground covered by buildings within the curtilage of the dwellinghouse does not exceed 50%.
- The height of the conservatory does not exceed the highest part of the roof of the existing bungalow. Neither does the height of the eaves exceed the eaves of the dwelling house.
- The proposed conservatory is not within 2 metres of the boundary
- It is located beyond the rear wall of the property, however it will not extend beyond 4 metres and is less than 4 metres in height

As such, a planning application would not be required for this proposed development.

### Other Legislative Considerations

#### Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

#### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

#### Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

## Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

### **RECOMMENDATION**

Having considered the submission, against Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 Development Management consider the proposal to be permitted development, therefore it is recommended that a certificate of lawfulness be granted.

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