

OFFICER REPORT

Application Number: P2026/0547

Site Address: 30 Tir Morfa Road Sandfields Neath Port Talbot SA12 7PF

Proposal: Proposed Lawful Development Certificate for demolition of existing garage and conservatory and construction of single storey rear extension and outbuilding

Applicant: Mr Jack Hurley

Agent: Mr Paul Watkin

Ward: Sandfields West

Application Type: Proposed Lawful Development Certificate

Valid Date: 18th August 2026

Statutory Expiry Date: 12th October 2026

Ext. of Time / PPA date:

Publicity Expiry Date: 24th August 2026

RECOMMENDATION - Issue Certificate

OFFICER REPORT

LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED DEVELOPMENT

App. Number:	P2026/0547
Location:	30 Tir Morfa Road, Sandfields, Neath Port Talbot, SA12 7PF
Description of	Demolition of existing garage and conservatory and construction of single storey rear extension and

Development:	outbuilding
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SINGLE STOREY REAR EXTENSION

ASSESSMENT

Criteria:		
1. Is the development on the elevation opposite the Principal Elevation? <i>If No, then not PD.</i>	Yes	
Response: Yes, the development is on the elevation opposite the principal elevation.		
2. Is the development in a Conservation Area? [If Yes, see below]		No
Response: No, the development is not in a Conservation Area.		
3. Is the development to a Listed Building? [If Yes, see below]		No
Response: No, the development is not to a Listed Building.		
4. Is the development contained wholly within the curtilage of a residential dwellinghouse? <i>If No, then not PD.</i>	Yes	
Response: Yes, the development is contained wholly within the curtilage of a residential dwellinghouse.		
5. Have 'Permitted Development Rights' been removed from the property? <i>If Yes, then not PD.</i>		No
Response: No, permitted development rights have not been removed from the property.		
6. Would the area covered by extension and outbuildings exceed 50% of the total area of the curtilage? <i>If Yes, then not PD.</i>		No
Response: No, the area covered by extensions and outbuildings would not exceed 50% of the total area of the curtilage.		
7. Would the height of the extension exceed the height of the ridge of the existing dwelling (excluding any chimneys on existing dwelling, but including any chimneys on the proposed extension)? <i>If Yes, then not PD.</i>		No
Response: No, the height of the extension would not exceed the height of the ridge of the existing dwelling.		
8. Would the eaves height of the extension exceed the height of the existing dwelling at the point that the extension adjoins? <i>If Yes, then not PD.</i>		No
Response: No, the eaves height of the extension (2.75m) would not exceed the height of the existing dwelling at the point that the extension adjoins.		
9. If the extension is within 2m of the boundary does the eaves		No

height exceed 3m, measured to the original ground level immediately adjacent to the eaves? <i>If Yes then not PD.</i>		
Response: The extension is within 2m of the boundary and the eaves height (2.75m) does not exceed 3m measured to the original ground level immediately adjacent to the eaves.		
10. Would the proposal exceed 4m in height (including any proposed chimneys)? <i>If Yes, then not PD.</i>		No
Response: The extension measures a maximum height of 2.75m and would not exceed 4m in height.		
11. Would the proposed extension project out more the 4m beyond any relevant parts of the rear wall of the original dwelling to which it adjoins? <i>If Yes, then not PD.</i>		No
Response: The extension would not project out more than 4m beyond any relevant parts of the rear wall of the original dwelling to which it adjoins.		
12. Would the proposed development have matching materials (where practical)? <i>If No, then not PD.</i>	Yes	
Response: The proposed development would be constructed in matching materials (render).		
13. If the proposed extension would adjoin an existing outbuilding does the resultant development meet the above criteria? <i>If No, then not PD?</i>	Yes	
Response: The proposed extension would not adjoin an existing outbuilding and meets the above criteria.		

CONCLUSION

By virtue of the fact that the proposed development meets all of the above criteria, it is 'Permitted Development' under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). As such, the extension does not require the benefit of planning permission.

OUTBUILDING

ASSESSMENT

Criteria:		
1. Is the development forward of the Principal Elevation? <i>If Yes, then not PD.</i>		No
Response: No, the development is not forward of the principal elevation.		

2. Is the development in a Conservation Area? [If yes, see below]		No
Response: No, the development is not in a Conservation Area.		
3. Is the development to a Listed Building? [If yes, see below]		No
Response: No, the development is not to a Listed Building.		
4. Is the development contained wholly within the curtilage of a residential dwellinghouse? <i>If No, then not PD.</i>	Yes	
Response: Yes, the development is contained wholly within the curtilage of a residential dwellinghouse.		
5. Have 'Permitted Development Rights' been removed from the property? <i>If Yes, then not PD.</i>		No
Response: No, permitted development rights have not been removed from the property.		
6. Will the total area covered by all extensions and outbuildings cover more than 50% of land within the original curtilage? <i>If Yes, then not PD.</i>		No
Response: No, the total area covered by all extensions and outbuildings will not cover more than 50% of land within the original curtilage.		
7. Would any part of the proposal extend beyond a wall comprising the side elevation of the existing dwelling and would be nearer to the highway than that side elevation or within 5m of the highway, whichever is nearer? <i>If Yes, then not PD.</i>		No
Response: No part of the proposal would extend beyond a wall comprising the side elevation of the existing dwelling.		
8. Would the building be more than one storey? <i>If Yes, then not PD.</i>		No
Response: No, the building will not be more than one storey.		
9. If the building has a roof with more than one pitch, would it exceed 4m in height measured from the surface of the ground immediately adjacent to that part, or for any other case exceed 3m in height? <i>If Yes, then not PD.</i>		No
Response: The flat roof building measures an eaves height of 2.5m.		
10. If any building, enclosure or container would be located within 2m of the boundary, would it exceed 2.5m in height above the surface of the ground immediately adjacent to it? <i>If Yes, then not PD.</i>		No
Response: The building is located within 2m of the boundary and would not exceed 2.5m in height above the surface of the ground immediately adjacent to it.		
11. Would the height of the eaves of the building measured at any		No

point along their length exceed 2.5m in height? <i>If Yes, then not PD.</i>		
Response: The height of the eaves of the building would not exceed 2.5m.		
12. Would any part of the building, enclosure, pool or container be located within 2m of the dwellinghouse and exceed a height of 1.5m measured to the ground immediately adjacent to it? <i>If Yes, then not PD.</i>		No
Response: No part of the building is located within 2m of the dwellinghouse.		
13. Does the proposal include the provision of a container with a capacity greater than 3,500 litres? <i>If Yes, then not PD</i>		No
Response: The proposal does not include the provision of a container.		
14. Would the proposal include the provision of a veranda, balcony, raised platform (including decking) where any part is more than 30cm above the surface of the ground directly below it? <i>If Yes, then not PD.</i>		No
Response: The proposal would not include the provision of a veranda, balcony or raised platform.		
15. If the proposed building would adjoin an existing extension attached to the dwellinghouse, would it meet the relevant criteria of that type of extension under Class A? <i>If Yes, then not PD?</i>	Yes	
Response: The proposed building would not adjoin an existing extension attached to the dwellinghouse.		

CONCLUSION

By virtue of the fact that the proposed development meets all of the above criteria, it is 'Permitted Development' under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). As such, the outbuilding does not require the benefit of planning permission.

DEMOLITION WORKS

ASSESSMENT

The proposal also comprises the demolition of an existing garage structure and conservatory.

Partial demolition is generally not treated in the same way as total demolition. Whether planning permission is required depends on if the works amount to a material alteration of a building and therefore development under planning legislation.

In *Shimizu (UK) Ltd v Westminster City Council* [1997] UKHL 3, the House of Lords held that demolition constitutes the destruction of a building as a whole. The demolition of only part of a building is generally considered as an alteration, not demolition.

Under section 55 of the Town and Country Planning Act 1990, development is defined as the carrying out of building, engineering, mining or other operations in, on, over or under land. Building operations include the demolition of buildings, structural alterations of or additions to buildings. Partial demolition is therefore regarded as development because it amounts to a structural alteration of a building and as such, must be assessed as operational development.

Another case is *Barton v Secretary of State for Communities and Local Government* [2017] EWHC 714, where the distinction between demolition and alteration was based on the following information:

- the extent of the fabric removed;
- the significance of the element being removed and
- whether what remains can sensibly be regarded as the original structure.

In this case, the proposed works comprise the removal of a conservatory attached to the rear elevation of the application dwellinghouse and the demolition of a single storey outbuilding within the rear curtilage. The existing garage floor plan has been annotated to indicate that three walls are to be demolished and the common wall is to be retained. The works would result in the removal of ancillary structures/additions and would not result in the demolition of the original dwellinghouse, which would remain substantially intact. The removal of these ancillary structures and the retention of the principal building would not amount to material operational development and as such, the proposal falls outside planning control and planning permission is not required.

RECOMMENDATION:

To Issue a Lawful Development Certificate

RECOMMENDATION

Issue Certificate

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

Case Officer	Thomas Lewis
Telephone No.	01639 686226
Date of Recommendation	26th August 2026