

Delegated Decision Report

Application No:	24/0776	Statutory Period Expires:	17th November 2024
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Site:	4 Gaer Street Newport NP20 4FD		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY REAR HOUSE EXTENSION AND LOFT CONVERSION WITH FLAT ROOF REAR DORMER AND 2NO. ROOFLIGHTS		
Applicant:	N Sardar		
Type:	Lawful Development Proposed	Ward:	Stow Hill
Decision:	GRANTED		

1. BACKGROUND

- 1.1 The application site is not within Article 1(5) land, does not relate to a Listed Building nor is it known that any Permitted Development Rights have been removed/restricted under any previous planning consent(s).

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises a mid terrace, two storey property located on Gaer Street in the Stow Hill Ward. Gaer Street is a residential street characterised by 2 storey terraced dwellings with small front garden areas enclosed by low boundary treatments. The property benefits from a private rear amenity space and an existing single storey extension with a flat roof design. Due to the topography of the area land levels increase towards the north, this has resulted in part of the garden being at a higher level than the dwelling. The garden area is retained by a wall accessed via steps.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 A certificate of lawful development is sought to erect a single storey extension. The measurements are 3m in depth when measured from the original rear elevation of the dwelling, 2.4m in width, 3.07m to max height of the roof and 3.4m to the glazed roof lantern. The roof will have a rubber sheet to match the existing materials. The external walls will have rendered finish to match the existing in colour and texture.
- 3.2 Additionally, there is a proposed loft conversion with a flat roof rear dormer and 2 roof lights within the front roof plane. The proposed dormer would measure 2.4m in height and 7.4 in length. Artificial slate will be used to match the existing materials of the property. The rear dormer would facilitate the conversion of the attic space to an additional bedroom and bathroom. The approximate volume of the dormer is 22.6 Cu.m.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

- 5.1 This application is for a certificate of lawfulness for proposed development and therefore falls to be determined in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (General Permitted Development) Order 1995 (Wales).

8. ASSESSMENT

- 8.1 In order to be permitted development the proposed rear extension would need to accord with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Class A provides permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse. Under Class A, development is not permitted 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 dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
- (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;*
- (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;*
- (d) the enlarged part of the dwellinghouse would be within 2 metres 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;*
- (e) the enlarged part of the dwellinghouse would extend beyond a wall comprised in the*

8.2 The proposal would also need to comply with the conditions set out in section A.3 in relation to Class A development, which states;

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;

8.3 Additionally, the proposal would need to comply with the conditions set out in section B.1 in relation to Class B development which states;

Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;*
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway;*
- (c) it would increase the cubic content of the dwellinghouse by more than 40 cubic metres, in the case of a terrace house, or 50 cubic metres in any other case;*
- (d) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—*
 - (i) in the case of a terrace house by more than 50 cubic metres or 10%, whichever is the greater,*
 - (ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater, or*
 - (iii) in any case, by more than 115 cubic metres; or*
- (e) the dwellinghouse is on article 1(5) land.*

8.4 The rear extension would not extend by more than 4m beyond the original rear elevation of the dwellinghouse and would not exceed 3m in height. Additionally, the external finish of the extension are proposed to match the equivalent elements of the existing dwelling. As such, the proposed rear extension is in accordance with the relevant criteria within Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and therefore is considered permitted development.

8.5 The dormer would not exceed the highest part of the existing roof and would not increase the cubic content of the dwellinghouse by more than 40 cubic meters. It is appropriate in size in relation to the existing dwellinghouse. Therefore, the proposed dormer would meet the relevant criteria of Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is considered permitted development.

8.6 The proposal includes the insertion of rooflights, as such it would also need to comply with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) 1995 (as amended) that allows for alterations to the roof of a dwellinghouse. It states that development is not permitted if;

- (a) the alteration would protrude more than 15 centimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;*

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof;

- 8.7 Roof lights are permitted under Class C which states that the development is permitted providing the roof light does not protrude more than 15cm beyond the plane of the slope of the original roof. The proposed rooflights do not project from the roof by more than 15cm and so are considered to be permitted under Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

9. OTHER CONSIDERATIONS

9.1 *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.

9.2 *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.

- 9.3 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.

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

9.5 *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 effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 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. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 The proposed development would represent permitted development as set out within Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

11. RECOMMENDATION

GRANTED

The development is permitted in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order) 1995 (as amended).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- 24-105/P/05
- 24-105/P/06
- 24-105/P/07
- 24-105/P/09

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.