

Delegated Decision Report

Application No:	25/0750	Statutory Period Expires:	21st November 2025
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Site:	<i>Garthside Old Roman Road Langstone Newport NP18 1JQ</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED REAR DORMER AND FRONT ENTRANCE PORCH TOGETHER WITH ELEVATIONAL ALTERATIONS TO EXISTING PROPERTY</i>		
Applicant:	<i>R Wilkins</i>		
Type:	Lawful Development Proposed	Ward:	Bishton And Langstone
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 Garthside is a bungalow style dwelling located on Old Roman Road in the Bishton and Langstone ward.

3. DESCRIPTION OF DEVELOPMENT

3.1 A rear dormer is proposed, measuring 2.1m in depth, 6.5m in width and 980mm in height. The dormer would be finished in cedar timber cladding in grey. 2no double pane windows are proposed in the rear (northern) elevation.

3.2 A front porch is proposed, measuring 2.5m in width, 1.2m in depth, 2.2m in height to the eaves and 2m in height to the top of the proposed mono-pitch roof. The external walls would be finished in render and painted white, windows and doors would be UPVC grey, fascias and soffits would be white UPVC, and rainwater goods would be black UPVC. Fenestration would consist of 1no door and 1no window on the front (southern) elevation and 1no window on the (western) side elevation.

3.3 External alterations are also proposed. On the front (southern) elevation, it is proposed to replace the 5no pane window with a set of 3-pane bifold doors and the 2no double pane windows with a set of 4-pane bifold doors. It is also proposed to install 1no triple pane window on the front gable, 1no single pane window and insert 2no velux rooflights are proposed in the front (southern) roof slope. On the western (side) elevation, it is proposed to replace the existing set of patio doors with bifold doors, remove an existing double pane window. On the eastern (side) elevation, it is proposed to remove an existing double pane window.

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).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 In order to be permitted development the rear dormer would need to accord with Schedule

2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Wales) Order 1995 (as amended). Class B provides permitted development rights for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Under Class B, development is not permitted 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 forms the principal elevation of the dwellinghouse;*
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which—*
 - (i) is comprised in a side elevation of the existing dwellinghouse; and*
 - (ii) is within 10.5 metres from a highway opposite the side elevation of the dwellinghouse;*
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—*
 - (i) 40 cubic metres in the case of a terrace house; or*
 - (ii) 50 cubic metres in any other case;*
- (e) other than in the case of a hip to gable enlargement, any part of the enlargement would be less than 20 centimetres from the eaves of the existing roof;***
- (f) 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; or*
 - (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*
 - (iii) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure; or*
- (g) the dwellinghouse is on article 1(5) land or within a World Heritage Site.*

8.2 The proposal would also need to comply with the conditions set out in section B.2 in relation to Class B development, which states:

- (a) the appearance of the materials used in each element of any exterior work must so far as practicable match the appearance of the materials used in the equivalent element of the existing dwellinghouse; and***
- (b) if any element of a window inserted on a roof slope or other element of a side elevation of the dwellinghouse would, if projected downwards in a vertical line to ground level, be within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation, 41 then the window must be—*
 - (i) obscure-glazed;*
 - (ii) non-opening unless any part of the window which can be opened is, when measured at any point along the lowest edge of that part, at least 1.7 metres above the internal floor or stair of the dwellinghouse directly below that point; and*
 - (iii) permanently maintained in compliance with the requirements of paragraphs B.2 (b) (i) and (ii).*

8.3 The proposed rear dormer is not set back at least 20cm from the eaves of the existing roof. As such, the proposed rear dormer is not in accordance with the relevant criteria within Class B, part (e), of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such is not permitted development. Moreover, the dormer would use materials that do not match the appearance of the existing roof covering and the proposal does not comply with Class B.2, part (a).

8.4 In relation to the insertion of rooflights in the front roof slope, the development would also need to comply with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (Wales) Order 1995 (as amended). Class C provides permitted development rights for any other alterations to the roof of a dwellinghouse. Under Class C, development is not permitted if.

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof;
- (d) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

8.5 The 2no velux rooflights in the roof front slope would not protrude more than 0.15m beyond the plane of the roof slope. As such, the proposed alterations to the roof/rooflights are in accordance with the relevant criteria within Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such is permitted development.

8.6 In relation to the front porch, the development would need to accord with Class D, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which relates to the erection or construction of a porch outside any external door of a dwellinghouse. It states:

Development is not permitted by Class D if—

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;*
- (b) any part of the structure would be more than 3 metres above ground level; or*
- (c) any part of the structure would be within 2 metres of any boundary between the curtilage of the dwellinghouse and a highway.*

8.7 The porch would not be within 2m of any boundary between the curtilage of the property and the highway, the external ground area would not exceed 3 square metres, and the highest point of the front porch would not exceed 3m above ground level.

8.8 The proposed alterations to fenestration are deemed a material change to the appearance of the existing property, and hence, is considered 'development' under section 55 of the Town and Country Planning Act 1990 (amended). It defines 'development' as the following:

'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'

Notwithstanding the above, Class A.3(a) permits development so long as the appearance of the materials used in any element of 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. The bifold doors would be aluminium which does not match the UPVC windows/doors of the host dwelling. It is therefore considered that the proposed windows/bifold doors would not comply with this criterion.

8.9 The proposal does not comply with the relevant conditions set out in The Town and Country Planning (General Permitted Development) Order 1995 (Wales) and permission is not granted by the order.

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 development is not in accordance with Schedule 2, Part 1, Class B, Class B.2 and Class A.3 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and planning permission would be required for the proposal.

11. DECISION

REFUSED

01 The proposed development does not comply with Classes B and A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as amended and is not lawful.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 25-0483-012A - Proposed Elevations, 25-0483-011A -

Proposed Plans, 25-0483-010 - Proposed Site Block Plan, 25-0483-003 - Existing Elevations, 25-0483-002 - Existing Plans, 25-0483-001 - Site Location and Block Plan, 25-0483 - Verification of Application Evidence.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.