

Delegated Decision Report

Application No:	26/0001	Statutory Period Expires:	27th March 2026
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Site:	4 Blacktown Gardens Marshfield Cardiff CF3 2SF		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED GROUND FLOOR EXTENSION AND LOFT CONVERSION		
Applicant:	N & J Pritchett		
Type:	Lawful Development Proposed	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 No Permitted Development restrictions were attached to the original application 06/1180

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a 2 storey detached corner plot dwelling located on Blacktown Gardens, a residential street within the Tredegar Park and Marshfield ward. The property benefits from a private rear amenity space.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal comprises of the construction of a single storey rear extension. The extension would measure 1.96m deep, 9.2m wide, have a height of 2.99m to the eaves and a maximum height of 3.08m. The extension is proposed to be completed in through colour render.
- 3.2 A loft conversion with a rear dormer is also proposed. The proposed rear dormer would measure 6.1m in width, 2.6m in height and 2.93m in depth. The proposed dormer would be set back 470mm from the eaves of the roof and set down 320mm from the ridge of the roof. The external materials are proposed to be . 3no velux rooflights are also proposed in the front roof slope.

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. ASSESSMENT

- 6.1 This application is for a certificate of lawfulness for existing 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).
- 6.2 In order to be 'permitted development' the proposal would need to accord with Class A, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The Order grants planning permission for alterations or enlargement of a domestic dwelling including rear extensions subject to;

(a) The total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)

The total area of the ground covered by buildings within the curtilage (other than the original dwellinghouse) would not 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 not exceed the height of the highest part of the roof of the existing dwellinghouse;

The part of the dwellinghouse enlarged will not 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 not exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the development enlarged will not 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 not 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 not exceed 4 metres;

The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the height of the eaves will not exceed 3 metres and the height of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would not exceed 4 metres.

(i) the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have a single storey and would —

(i) extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres; or

(ii) exceed 4 metres in height;

The enlarged part of the dwellinghouse would not extend beyond the rear wall of the original dwellinghouse by more than 4 metres and would not exceed 4 metres in height.

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

The exterior work will be finished in through colour render and will not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

6.3 The extension is not lawful in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

6.4 In order to be 'permitted development' the proposal would need to accord with Class B, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The Order grants planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to;

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Any part of the dwellinghouse would, as a result of the works, not 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;

Any part of the dwellinghouse would, as a result of the works, not 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;

Any part of the dwellinghouse would not, as a result of the works, extend beyond the plane of any existing roof slope which is comprised in a side elevation of the existing dwellinghouse and 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;

The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 40 cubic metres in the case of a terrace house or 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;

Any part of the enlargement would not 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

The proposal does not consist of or include the construction or provision of a veranda or raised platform, balcony or roof terrace.

(g) the dwellinghouse is on article 1(5) land or within a World Heritage Site.

The dwellinghouse is not on article 1(5) land or within a World Heritage Site.

6.5 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).

- 6.6 The development is lawful in accordance with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 6.7 The development would 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.
- 6.8 The 3no 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 lawful in accordance with Schedule 2, Part 1, Class B 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 not represent permitted development as set out within Classes A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

11. DECISION

REFUSED

01 The proposal does not accord with the criteria set out under Classes A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is permitted development.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Location Plan, Proposed Elevations (--)12 , Proposed Floor Plans (--)11

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.