

Delegated Decision Report

Application No:	25/0636	Statutory Period Expires:	10th October 2025
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Site:	15 Excalibur Drive Newport South Wales NP20 2QQ		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR THE CONSTRUCTION OF A PROPOSED CONSERVATORY		
Applicant:	Geo		
Type:	Lawful Development Proposed	Ward:	Stow Hill
Decision:	GRANTED		

1. BACKGROUND

- 1.1 The original consent for the residential development at Land Known As Mon Bank Sidings did not include Permitted Development restrictions.

2. SITE LOCATION AND CONTEXT

- 2.1 15 Excalibur Drive is a two storey semi detached dwelling located in the Stow Hill ward on a modern, purpose-built residential development.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 It is proposed to construct a conservatory position in the rear of the dwelling. The conservatory would measure 3.4m deep, 3.8m wide and 2.5m high to the eaves and 3.2m to the ridge.

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 seeks to confirm, via a lawful development certificate, that planning permission is not required for a proposed rear single storey extension.

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). Those regulations allow for the erection of a single storey rear within the curtilage of a dwellinghouse, providing that;

(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.

(e) The enlarged part of the dwellinghouse would not extend beyond a wall comprised in the principal elevation of the original dwellinghouse;

The enlarged part of the dwellinghouse would not extend beyond a wall comprised in the principle elevation of the original dwellinghouse.

(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

6.3 Additionally 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;

(b) if any element of an upper-floor window located in a wall, 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 wall or roof slope, 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 paragraphs A.3(b)(i) and (ii); and

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part must, so far as practicable, match the roof pitch of the existing dwellinghouse.

7. OTHER CONSIDERATIONS

7.1 *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.

7.2 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.

7.3 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.

7.4 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.

7.5 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.

7.6 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.

8. CONCLUSION

8.1 The proposed conservatory to the rear elevation would meet the above permitted development criteria. As such, it is considered that the proposed extensions constitute permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

9. DECISION Granted

NOTE TO APPLICANT

01 This decision relates to plan Nos: Revised proposed Floor Plan and Elevations, Revised Proposed Site Plan and Block Plan.

02 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.