

Delegated Decision Report

Application No:	25/0702	Statutory Period Expires:	22nd October 2025
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Site:	10 Fairfield Close Caerleon Newport NP18 3DR		
Proposal:	PROPOSED DORMER EXTENSIONS		
Applicant:	A Manley		
Type:	Lawful Development Proposed	Ward:	Caerleon
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 10 Fairfield Close is a detached dormer bungalow located in the Caerleon ward.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to erect 2no side dormers, each measuring 10m in width, 2.2m in height, and 2.4m in depth. Each dormer would be set back 400mm from the eaves of the roof and set down 800mm from the ridge of the roof. The external materials are proposed to be horizontal composite wall cladding boards. In terms of fenestration, 2no single pane casement windows are proposed on the side facing elevation of the proposed rear dormer occupying the northwestern 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. CONSULTATION RESPONSES

6.1 NONE.

7. PUBLIC REPRESENTATIONS

NONE.

8. ASSESSMENT

8.1 *The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 Schedule 2 Part 1 Class B permits the enlargement of an addition or alteration to its roof.*

B.1. 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 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

B.2. Development is permitted by Class B subject to the following conditions—

(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, 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 property has an existing dormer on one side, but this is an addition to the original dwelling. Each of the proposed dormers would measure 28.24 cubic metres. The combined total of the dormers would be 56.48 cubic metres. Schedule 2 Part 1 Class B.1(d) states that development is not permitted if the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres. It would use materials that do not match the appearance of the existing roof covering and it is unclear if the proposed side facing windows in the dormer will satisfy the requirements of B.2.(b).

8.4 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 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and planning permission would be required for the proposal.

11. DECISION

REFUSED

01 The proposed development does not comply with criteria B(1)(d) and B2 of Schedule 2, Part 1, Class B 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: 25-2266-DWG-01 - Site Location Plan, 25-2266-DWG-02A - Existing/Proposed Floor/Site/ Roof Plans and Elevations.

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.