

Delegated Decision Report

Application No:	26/0513	Statutory Period Expires:	1st September 2026
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Site:	3 High Cross Lane Rogerstone Newport NP10 9AA		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR LOFT CONVERSION WITH REAR DORMER, HIP TO GABLE EXTENSION, REAR AND SIDE SINGLE STOREY EXTENSION		
Applicant:	Dunlop		
Type:	Lawful Development Proposed	Ward:	Rogerstone East
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises a two-storey semi-detached dwelling which benefits from off-street parking within its curtilage. The property is accessed directly from High Cross Lane and is situated within a predominantly residential area characterised by similar dwellinghouses. High Cross School is located to the north-east of the site, whilst the M4 motorway lies to the east.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks confirmation that a loft conversion with a flat roof rear dormer, a hip to gable extension and a single storey rear and side extension does not require planning permission.

Dormer:

H: 2.6m

W: 6.4m

D: 3m

Volume: 24.96m³

Hip to gable:

H: 3.4m

W: 7.7m

D: 3.75m

Volume: 16.35m³

Single storey rear/side wrap around extension

H: 3m (3.1m to roof light)

W: 8m

D:

Side elevation: 6m (7.1m to roof overhang)

From rear elevation: 4m (4.5m to roof overhang)

Finishes:

Dormer Walls: Anthracite grey cladding

Extension Walls: Rendered to match existing

Windows/Doors: White uPVC to match existing

Roof: Flat roof - EPDM or similar

Pitched roof hip to gable: - tiles to match existing as close to possible (where available and suitable for pitch)

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Dormer and hip to gable alteration

8.1.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class B sets out permitted development for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. The applicant seeks permission for 1no. flat roof dormer to the rear, and a hip to gable roof alteration.

8.1.2 When assessing the dormer against Class B, the dormer is set up from the eaves by at least 20cm, it is located on the rear roof plane, and the cubic content of the dormer is 24.96m³ in line with the parameters set out.

8.1.3 Class B goes onto state;

Conditions

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;

- 8.1.4 The materials proposed on the dormer are anthracite grey cladding and the current roof tiles are red. It is therefore considered that the appearance of the materials used in each element of the work do not as far as practicable match the appearance used in the equivalent element of the existing dwellinghouse. This aspect of the proposal is contrary with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class B.
- 8.1.5 When assessing the hip to gable roof alteration, the cubic content of the enlargement is 16.35m³, materials are proposed to match the existing dwellinghouse, and no part of the roof alteration would exceed the highest part of the existing roof. This aspect of the proposal complies with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class B.
- 8.1.6 When assessing the overall cubic content of the proposed roof space including the hip to gable alteration and dormer, Class B states :
(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;
- 8.1.7 Overall, the cubic content of the proposed roof space would be 41.31m³. The house is a semi-detached dwelling, and therefore, below the threshold of 50m³.

8.2 Wrap around side/rear extension

- 8.2.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A sets out permitted development for the enlargement, improvement or other alteration of a dwellinghouse. This is shown below.

8.2.2 **Permitted development**

A. *The enlargement, improvement or other alteration of a dwellinghouse.*

Development not permitted

A.1. *Development is not permitted by Class A 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 principal elevation of the original dwellinghouse;

(f)the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the existing dwellinghouse, and would be nearer to the highway than—

(i)the wall comprised in that side elevation which is nearest to the highway; or

(ii)any point 5 metres from the highway; whichever is the nearer to the highway;

(g)the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have a single storey and—

(i)the enlarged part of the dwellinghouse would exceed 4 metres in height; or

(ii)the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;

(h)the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—

(i)the enlarged part of the dwellinghouse would be within 10.5 metres of any boundary which is—

(aa)a boundary of the curtilage of the dwellinghouse; and

(bb)opposite the relevant side elevation;

(ii)the enlarged part of the dwellinghouse would be set back, by less than 1 metre, from the point nearest to that part in any wall comprised in the principal elevation of the original dwellinghouse; or

(iii)the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;

(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;

(j)the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—

(i)the ground floor storey would 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;

(ii)the first floor or higher storey would 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 3 metres; or

(iii)the first floor or higher storey would be within 10.5 metres of any boundary which is—

(aa)a boundary of the curtilage of the dwellinghouse; and

(bb)opposite the rear wall of the dwellinghouse;

(k)it would consist of or include external wall insulation which projects from that part of the exterior of the dwellinghouse to which it is affixed by more than 16 centimetres; or

(l)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;

(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

(dd)would be affixed to a wall comprised in the principal elevation of the dwellinghouse;

(iii)the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure;

(iv)the installation, alteration or replacement of a microwave antenna;

(v)the installation, alteration or replacement of a chimney;

(vi)the installation, alteration or replacement of an air source heat pump, solar PV or solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system;

(vii)the installation of shutters on any part of the principal elevation of the dwellinghouse; or

(viii)an alteration to any part of the roof of the dwellinghouse, being an alteration which does not fall within paragraphs A.1(l)(i) to(vii).

A.2. In the case of a dwellinghouse on article 1(5) land or within a World Heritage Site, development is not permitted by Class A if—

(a)it would consist of or include the cladding of any part of the exterior of the existing dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic, metal or tiles;

(b)it would consist of or include external wall insulation;

(c)the enlarged part of the dwellinghouse would have a single storey, would extend beyond a wall comprised in a side elevation of the original dwellinghouse and would—

(i)extend beyond the relevant part or, as the case may be, any of the relevant parts of a wall comprised in a side elevation of the original dwellinghouse by more than 3 metres; or

(ii)be set back, by less than 1 metre, from the nearest point in any wall comprised in the principal elevation of the original dwellinghouse; or

(d)the enlarged part of the dwellinghouse would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse.

Conditions

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.

- 8.2.3 The development exceeds 4m in depth from the rear elevation of the dwelling house, measuring to 4.5m to the roof overhang. This aspect of the development is contrary to section (i) above. Notwithstanding, the extension does not exceed 3m in height within 2m of the boundary, and the rest of the extension does not exceed 4m in height outside of this. The side extension is set back at least 1m from the principal elevation, does not exceed 3m in width, and set over 5m away from the highway. The materials are proposed to match the of the existing dwelling. These aspects of the development are in accordance with the regulations set out.

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 Overall, the development proposed is contrary with the regulations set out within The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A and B, relating to the lack of matching materials on the dormer, and the depth of the rear extension. Therefore, the scheme is refused.

11. DECISION

REFUSED

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; 105 - Proposed Elevations.; 104 - Proposed Upper Floor Plans; 103 - Proposed Floor Plans; 102 - Existing Elevations; 101 - Existing Floor Plan

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.