

Delegated Decision Report

Application No:	26/0607	Statutory Period Expires:	1st October 2026
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Site:	22 Bryngwyn Road Newport NP20 4JS		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR A GARAGE AND CAR PORT		
Applicant:	L Picco		
Type:	Lawful Development Proposed	Ward:	Allt-yr-Yn
Decision:	GRANTED		

1. BACKGROUND

- 1.1 No permitted development rights have been removed at the property.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a 2no storey semi-detached property located on Bryngwyn Road, a residential street within the Allt-yr-Yn ward. The property benefits from a private rear amenity space and off street parking to the front.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This is a lawful development certificate to determine whether the proposed alterations of an existing attached side garage and carport are lawful by reason of permitted development rights set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). As a result of the works, the garage and carport will measure 3m in depth, 6.3m in width, 2.3m to the eaves and a maximum height of 3.7m to the mono-pitched roof. External materials will match those of the existing dwelling.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

- 5.1 Not applicable.

6. ASSESSMENT

- 6.1 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).
- 6.2 In order to be permitted development, the proposal would need to accord with Schedule 2. Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Class A provides permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse. Under Class A, development is not permitted 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 not 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 not extend beyond a wall comprised in a side elevation of the original dwellinghouse, have a single storey and—

(i) exceed 4 metres in height; or

(ii) have a width which exceeds the width of the widest part of the original dwellinghouse by more than 50%;

- 6.3 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) 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

- 6.4 The proposed extension would not exceed 4 metres in height nor would the width exceed more than 50% of the original dwellinghouse. The eaves height, measured from the ground, is no greater than 3m and the materials of the external walls and the roof will match the existing dwelling.

- 6.3 The proposed extension alterations are lawful in accordance with Schedule 2, Part 1, Class A 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 represent permitted development as set out in Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

11. **DECISION**

GRANTED

01 The proposal accords with the criteria set out under Schedule 2, Part 1, Class A 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: Site Location Plan; Site Plan, Existing and Proposed Layouts and Elevations

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). 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.