

Delegated Decision Report

Application No:	25/0803	Statutory Period Expires:	5th December 2025
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Site:	3 Bethesda Rise Rogerstone Newport South Wales NP10 9SY		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SINGLE STOREY REAR EXTENSION		
Applicant:	S Smith		
Type:	Lawful Development Proposed	Ward:	Rogerstone West
Decision:	Granted		

1. BACKGROUND

- 1.1 The original consent for the residential development at Land Known As Land South Of Bethesda Close did not include Permitted Development restrictions.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a 2 storey detached dwelling located on Bethesda Rise, a residential street within Rogerstone. The property benefits from off street parking to the front and 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 3.7m deep, 7m wide and have a maximum height of 2.88m to its flat roof. The extension is proposed to be completed in materials to match the existing dwelling.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
11/0590	RESIDENTIAL DEVELOPMENT TOGETHER WITH ASSOCIATED WORKS (OUTLINE)	Allowed on Appeal
13/1018	RESERVED MATTERS FOR THE RESIDENTIAL DEVELOPMENT OF 22 DWELLINGS TOGETHER WITH ASSOCIATED WORKS	APP

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.

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%;

The enlarged part of the dwellinghouse would not extend beyond a wall comprised in a side elevation of the original dwellinghouse and would not exceed 4 metres in height or 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;

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

Having considered the submitted information alongside the relevant regulations set out, the proposed development satisfies the elements as stated above under points a) to i). In addition to this, the proposed extension would therefore be lawful development under Section 192 of the Town and Country Planning Act 1996 by complying with the requirements under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013.

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: Proposed Floor plans, Proposed NE Elevations, Proposed Rear Elevations, Proposed SW Elevations, Proposed Build Specification

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.