

Delegated Decision Report

Application No:	25/0097	Statutory Period Expires:	11th April 2025
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Site:	40 Marysfield Close Marshfield Cardiff CF3 2TY		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SUMMER HOUSE BUILDING TO REAR GARDEN		
Applicant:	J Cody		
Type:	Lawful Development Proposed	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED		

1. BACKGROUND

- 1.1 An application for a proposed summer house building in the rear garden was refused under the application 24/0901. This was due to the following reasons:

The proposed single storey outbuilding would be within 2 metres of the boundary of the curtilage and exceed 2.5 metres in height above the surface of the ground immediately adjacent to it and so it does not accord with Schedule 2, Part 1, Class E (f) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

2. SITE LOCATION AND CONTEXT

- 2.1 40 Marysfield Close is a 2no storey property located in the Tredegar Park and Marshfield ward.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposed outbuilding would measure 8.8m in length, 2.5m in height and 3.7m in depth. The total volume is 97.68m.³

In terms of materials, the overhanging canopy would be made from timber joints and a deck. The roof would be EDPM rubber. The external wall would be a smooth rendered blockwork to match existing, in addition to feature panels in timber on the proposed south side, proposed front west and proposed north side elevation.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
99/0281	ERECTION OF A TWO STOREY SIDE EXTENSION	GRANTED WITH CONDITIONS	11/03/1999
99/0482	PRUNE ASH TREE PROTECTED BY T1 OF TPO 5/1999	GRANTED WITH CONDITIONS	09/07/1999
24/0901	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SUMMER HOUSE AT THE REAR OF THE PROPERTY IN REAR GARDEN	REFUSED	29/01/2025

6. CONSULTATION RESPONSES

None.

7. PUBLIC REPRESENTATIONS

None.

8. **ASSESSMENT**

This application seeks to confirm, via a lawful development certificate, that planning permission is not required for the erection of a single storey summer house in the rear garden of 40 Marysfield Close.

In order to be permitted development the proposal would need to accord with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) 1995 (as amended). The regulations permit the provision within the curtilage of the dwellinghouse of (a) any building or enclosure, raised platform, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse. Development is not permitted by Class E if

- (a) *the total area of ground covered by buildings, enclosures, raised platforms, pools and containers within the curtilage (other than the original dwellinghouse) would 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, enclosures, raised platforms, pools and containers within the curtilage would not exceed 50% of the total curtilage.

- (b) *any part of the building, enclosure, raised platform, pool or container would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;*

No part of the building, enclosure, raised platform, pool or container would extend beyond a wall comprised in the principal elevation of the original dwellinghouse.

- (c) *any part of the building, enclosure, raised platform, pool or container 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;*

No part of the building, enclosure, raised platform, pool or container 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;

- (d) *the building would have more than one storey;*

The building would not have more than one storey.

- (e) *the height of any part of the building, enclosure or container, measured from the surface of the ground immediately adjacent to that part, would exceed—*

- (i) *4 metres in the case of a building having a roof with more than one pitch;*
(ii) *3 metres in any other case;*

The height of the proposed summer house does not exceed 3 metres.

- (f) *any part of the building, enclosure or container would be—*

- (i) *within 2 metres of the boundary of the curtilage of the dwellinghouse; and*
(ii) *exceed 2.5 metres in height above the surface of the ground immediately adjacent to it;*

The proposed summer house would not be within 2 metres of the boundary of the curtilage.

- (g) *the building, enclosure, pool or container would be situated within the curtilage of a listed building;*

The proposed summer house would not be situated within the curtilage of a listed building.

- (j) *it would include the construction or provision of a veranda, balcony or raised platform of which any part is more than 30 centimetres above the surface of the ground directly below it;*

The proposed summer house would not include a veranda, balcony or raised platform.

- (k) *it would include the enlargement, improvement or other alteration of any part of a dwellinghouse;*

The proposed summer house would not include an enlargement, improvement, or other alteration of any part of a dwellinghouse.

- (l) *it would include the installation, alteration or replacement of a microwave antenna*

The proposed dwellinghouse would not include the installation, alteration or replacement of a microwave antenna.

- (m) *the capacity of the container would exceed 3,500 litres.*
Not relevant.

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 permitted in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order) 1995 (as amended).

**11. DECISION
GRANTED**

NOTE TO APPLICANT

01 This decision relates to plan Nos: Revised Site Location Plan, Revised Site Plan, West Elevation Front, South Elevation Side, North Elevation- side, Location Plan 1-1250, East Elevation- Rear.

02 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.