

Delegated Decision Report

Application No:	26/0360	Statutory Period Expires:	24th July 2026
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Site:	24 Bala Drive Rogerstone Newport South Wales NP10 9HN		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF SINGLE STOREY REAR EXTENSION		
Applicant:	J Fisher		
Type:	Lawful Development Proposed	Ward:	Rogerstone North
Decision:	GRANTED		

1. BACKGROUND

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

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a 2 storey detached dwelling located on Bala Drive, a residential street within the Rogerstone North 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 a proposed rear extension constructed at the property is lawful by reason of permitted development rights set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The single storey rear extension measures 3.2m deep, 7.7m wide and has a height of 2.2m to eaves and a maximum height of 3.2m. The extension is in materials to match the existing dwelling. An existing conservatory will be removed.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

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 Class A, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The Order grants planning permission for alterations or enlargement of a domestic dwelling including rear extensions subject to;

(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.

(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. It will be finished in materials to match the main dwelling.

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

6.4 The demolition works that will remove an existing conservatory and single storey rear extension are development permitted by the 1995 Order.

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 development meets the above permitted development criteria. As such, it is 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

The development is lawful and is permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Existing / Proposed Floor Plans and Elevations 260309/SS01, Proposed Ground / First Floor Plans, Block 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.