

Delegated Decision Report

Application No:	26/0036	Statutory Period Expires:	14th March 2026
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Site:	<i>Ebenezer House 33 Warwick Road Newport NP19 8JJ</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED GROUND FLOOR SIDE EXTENSION</i>		
Applicant:	<i>H Sully</i>		
Type:	Lawful Development Proposed	Ward:	Alway
Decision:	REFUSED		

1. BACKGROUND

- 1.1 Planning permission was approved for the erection of the dwelling in 2004 (ref no.04/1710).

2. SITE LOCATION AND CONTEXT

- 2.1 The property is a detached dwelling located at the end of Warwick Road that consists of a row of terraced properties. The property doesn't benefit from a rear garden and has a small area of amenity space to the south side of the property where the extension is proposed.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 A single storey side extension is proposed that would accommodate a dining room and would measure a width of 2.925m, a depth of 5.512m, an eaves height of 2.17m and a ridge height of 3.56m. The sloped roof extension would contain 2no rooflights in the roof slope and 1no window in the front elevation. The materials are shown to match those of the existing property.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
04/1710	ERECTION OF DWELLING HOUSE	GRANTED WITH CONDITIONS	02/11/2004

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- 5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6. CONSULTATION RESPONSES

None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) 1995 (as amended) is relevant and states;

(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%;

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.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 The main dwelling measures a width of 5.467m and the extension measures a width of 2.92m, therefore the extension would have a width which would exceed the width of the widest part of the original dwellinghouse by more than 50%, failing to comply with criteria g (ii) as stated above.
- 8.3 Aswell as the above, it is noted that the following condition was attached to the original consent for the dwelling removing permitted development rights for extensions or

alterations to the building and the construction of outbuildings.

06 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, Classes A, B, C, D and E, no extensions or alterations to the building nor outbuildings shall be constructed or provided without the prior written consent of the Local Planning Authority. Reason: The size of the site is restricted and any further development should be controlled to ensure there is no loss of amenity for existing residents and adequate amenity space for future occupiers.

Therefore, any extension to the property would require planning permission and the lawful development certificate cannot be issued.

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 lawful development certificate for a single storey side extension at Ebenezar House, 33 Warwick Road, cannot be issued as a condition was attached to the original planning consent for the dwelling removing permitted development rights for extensions.

11. DECISION

REFUSED

01 The proposed single storey side extension requires planning permission as exceeds the parameters of permitted development rights and permitted development rights for extensions or alterations to the host building have been removed by condition on planning permission 04/1710. The development is not permitted by 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: Location Plan Drawing No.25-2446-DWG-01 and Existing/Proposed Plans and Elevations Drawing No.25-2446-DWG-02.

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.