

Delegated Decision Report

Application No:	26/0035	Statutory Period Expires:	1st April 2026
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Site:	26 & 28 Park View Bassaleg Newport NP10 8LA		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SINGLE STOREY REAR EXTENSION TO NO. 26 PARK VIEW AND PROPOSED SINGLE STOREY REAR EXTENSION, REPLACEMENT OF FRONT FLAT ROOF WITH HIPPED ROOF, ADDITION OF 2 NO. DORMER WINDOWS AND EXTENSION TO GARAGE AT NO.28 PARK VIEW		
Applicant:	S Williams		
Type:	Lawful Development Proposed	Ward:	Graig
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a semi-detached property within the Graig ward fronting onto Park View Road. The site is predominantly residential to the North with Bassaleg Ambulance station situated to the South of the host site and Whiteheads Sports and Social Club to the Southeast. The site is also in Flood Zone 3 (River) as defined within NRW's flood map for planning.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks a lawful development certificate to prove that the construction of a single storey rear extension at 28 Park View and a proposed single storey rear extension, the replacement of a front flat roof with a hipped roof, the addition of 2no. dormer windows on the side elevation and an extension to the garage to create a games room, does not require planning permission.

3.2 28 Park View

Single storey rear extension
H: 3.36m (2.47m to the eaves)
W: 9.13m
D: 4.08m (to the roof overhang)

3.3 26 Park View

Single storey rear extension
H: 3.36m (2.47m to the eaves)
W: 3.16m
D: 4.08m (to the roof overhang)

2no. Dormers

(Individual measurements)

H: 2.95m
W: 2.11m (2.3m to roof overhang)
D: 3.06m

Garage extension

H: 2.9m
W: 5.46m
D: 2.9m

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
15/0893	ERECTION OF FRONT EXTENSION	GC	01/10/2015

5. PLANNING POLICY

5.1 Section 192 of the Town and Country Planning Act 1990 (As amended).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 28 Park View

8.1.1 Single storey rear extension

8.1.2 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A sets out guidelines for the enlargement, improvement or other alteration of a dwellinghouse. When assessing this scheme, development is not permitted if,

8.1.3 *(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;

8.1.4 *Conditions*

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.

- 8.1.5 It is noted that the extension does exceed the 4m depth, measuring at 4.08m to the roof overhang, and the materials have not been specified on the plans that they will match the main dwellinghouse. Therefore, the scheme does not accord with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A.

8.2 **26 Park View**

8.2.1 Single Storey rear extension

- 8.2.2 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A states sets out guidelines for the enlargement, improvement or other alteration of a dwellinghouse. When assessing this scheme, development is not permitted if,

- 8.2.3 *(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;

8.2.4 Conditions

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.

- 8.2.5 It is noted that the extension does exceed the 4m depth, measuring at 4.08m to the roof overhang, and the materials have not been specified on the plans that they will match the main dwellinghouse. Therefore, the scheme does not accord with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A.

8.3 2no. pitched roof side dormers

- 8.3.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class B permits development for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

- 8.3.2 Each pitched roof dormers volume calculates to 9.52m³and therefore the combined cubic content of the additional roof dormers would equate to 19.04m³. Therefore, this is below

the 50 cubic metres set out in the guidelines. Moreover, the dormers would also be set up over 20cm from the eaves (23.29cm) as set out in the guidelines.

8.3.3 However, **Conditions**

B.2. Development is permitted by Class B subject to the following conditions—

(a) the appearance of the materials used in each element of any exterior work must so far as practicable match the appearance of the materials used in the equivalent element of the existing dwellinghouse; and

(b) if any element of a window inserted on a 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 side elevation, 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 the requirements of paragraphs B.2 (b) (i) and (ii).

8.3.4 The materials have not been specified to match that of the main dwellinghouse and the two side windows in the dormer are within 10.5m of the boundary but have not been specified either to be obscure glazed, non-opening and permanently maintained. Therefore, the development does not accord with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class B.

8.4 Change in roof pitch to the front of the dwellinghouse

8.4.1 The application also proposes changes to the front elevation, replacing the existing flat-roofed porch with a hipped roof that would link to the existing front extension. At present, the flat-roof structure functions as a porch containing the main entrance door. However, the proposed floor plans show this space being enclosed to form a small internal room accessed from the living room. The front door would be relocated further along the front elevation, with a window installed in place of the existing door opening.

8.4.2 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A states development is not permitted if:

(e) the enlarged part of the dwellinghouse would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;

8.4.3 It is noted that the change in development would increase the maximum height of this part of the dwelling by 1.22m, and would also increase in width by approximately 15cm. Therefore, it is considered that the dwelling would be enlarged and is forward of the principal elevation. Therefore, the scheme does not accord with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A.

8.5 Garage extension

8.5.1 The garage building is located to the rear of the property, but faces onto a lane to the area, this lane is not an adopted highway. The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class E states

8.5.2 ***Permitted development***

E. 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 as such, or the maintenance, improvement or other alteration of such a building, enclosure, platform or pool;

8.5.3 Development is not permitted;

(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;

(g) the height of the eaves of the building, measured at any point along their length, would exceed 2.5 metres;

8.5.4 It is considered that the garage building at its tallest point is 2.9m. Given the building is a sloped flat roof, the eaves height is also 2.9m above ground level. The garage extension is therefore contrary to The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class E.

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 Overall, it is considered the development does not accord with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1 and therefore, the scheme requires planning permission.

11. **DECISION**

REFUSED

01 The proposed alterations to 26 and 28 Park View, Bassaleg are not lawful and contrary to The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class A, B, and E. Therefore, The Certificate of Lawfulness under section 192 of The Town and Country Planning Act 1990 (as amended) is not issued and planning permission is required.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PL-112 - Proposed Elevations (No.26); PL-108 - Floor Plans As Proposed (No.26); PL-107 - Floor Plans As Existing (No.26); PL-103 - Existing Elevations (Nos. 26 and 28); PL-110 - Proposed Garage Plans (No.28); PL-109 - Existing Garage Plans (No.28); PL-106 - Proposed Elevations (No.28); PL-105 - Proposed Floor Plans (No. 28); PL-104 - Proposed Site Plan (Nos.26 -28); PL-102 - Existing Floor Plans (No.28); PL-101 - Existing Site Plan; PL-100 - Site Location 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.