

Delegated Decision Report

Application No:	26/0643	Statutory Period Expires:	16th October 2026
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Site:	62 Cedar Wood Drive Rogerstone Newport South Wales NP10 9JR		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR A NEW PORCH, INSTALLATION OF FLUE AND ALTERATIONS TO FENESTRATION		
Applicant:	I Nicholas		
Type:	Lawful Development Proposed	Ward:	Rogerstone West
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a detached two storey property within a residential estate. The estate is characterised by detached properties predominantly containing yellow brick and pitched roof design. The application site faces onto Cedar Wood Drive and contains off road parking with a detached garage. The property is set back from the road and contains a small landscaped front garden.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks a lawful development certificate to demonstrate that a new porch, installation of a flue and alterations to fenestration does not require planning permission.

3.2 The current porch on site is a hipped canopy porch and is proposed to be replaced with a flat roof timber clad porch. The proposed flue is to be erected on the Southeastern side elevation and would serve a wood burning stove. The proposed fenestration changes include the removal of the existing bay window on the principal elevation and replace it with a flat roof full length front extension with timber cladding. Moreover, all windows on the property are to be replaced to velfac 200 aluminium in RAL 1035 (Pearl Beige) or similar and fitted with aluminium brise soleil. To the ground floor rear elevation, a new window opening is proposed with the relocation of the rear door.

Porch

H: 2.7m

D: 2.9m

W: 1.3m

Porch area is 3sqm.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1.

- 5.2 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012, Schedule 2, Part 40.

6. CONSULTATION RESPONSES

- 6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Porch

- 8.1.1 The applicant seeks the erection of a new porch to the front of the dwellinghouse. The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class D states:

8.1.2 *Permitted development*

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

D.1. Development is not permitted by Class D if—

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;*
- (b) any part of the structure would be more than 3 metres above ground level; or*
- (c) any part of the structure would be within 2 metres of any boundary between the curtilage of the dwellinghouse and a highway.*

- 8.1.3 The ground area of the structure would be 3 square metres, and the overall height is 2.7m. Therefore, this does not exceed the regulations outlined above. However, no block plan has been provided to demonstrate that the new porch would be greater than 2m away from any boundary between the curtilage of the dwellinghouse and a highway. The applicant has not provided sufficient evidence to demonstrate that the scheme is in accordance with the regulations outlined above.

- 8.1.4 Class A also states:

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 The proposed cladding would not match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse. It is therefore considered that the development does not accord with this element of Class A.

8.2 Flue

- 8.2.1 The applicant seeks to install a flue for a wood burning stove. The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012, Schedule 2, Part 40 Class E states

8.2.2 *Permitted development*

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Development not permitted

E.1 Development is not permitted by Class E if—

(a) the height of the flue would exceed the highest part of the roof by one metre or more; or
(b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and which fronts a highway.

- 8.2.3 The height of the flue would not exceed the highest part of the roof and therefore, the flue is deemed acceptable in accordance with The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012, Schedule 2, Pat 40 Class E.

8.3 **Fenestration alterations**

8.3.1 **Front extension**

The applicant seeks the removal of the front bay window and replaces it with a front extension with wooden cladding.

Class A

Permitted development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

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

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;

- 8.3.2 The development would not be permitted as this aspect of the development is situated forward of the principal elevation and the materials do not match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse. Therefore, the development is not in accordance with Class A (e), and A.3 (a) The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1.

8.3.3 **Windows/Doors**

The applicant also seeks the replacement of all windows on the dwelling to Velfac 200 aluminium in RAL 1035 (Pearl Beige) or similar from white sash UPVC windows. All windows would also have aluminium brise soleil solar shading above each window. To the ground floor rear elevation, there is 1no. new window opening proposed and at first floor level, the existing side window would be enlarged. The applicant also seeks replacement doors, flood resilient Accoya; Pattern 10. On assessment of these fenestration changes, it is assessed that these changes would constitute development as there would be a material change in the appearance of the dwelling. However, there is a lack of information in line with the submission. Firstly, the replacement windows have been proposed in RAL 1035 (Pearl Beige) or similar. For the assessment of a lawful development certificate, exact details of materials should be provided. Moreover, there are no scaled drawings provided, or colours of the brise soleil as proposed above each window. The information as submitted is ambiguous and insufficient, therefore, a full assessment cannot be carried out.

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, the proposed development does not comply with the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. In respect of the proposed porch, insufficient information has been submitted to demonstrate that it would be located at least 2 metres from the highway, as required by Class D. Furthermore, the proposed materials would not match those used in the existing dwellinghouse. The removal of the existing

bay window and the introduction of a front extension also fail to accord with the relevant permitted development provisions, and the proposed external materials do not match those of the corresponding element of the original dwelling. In addition, the details relating to the proposed fenestration alterations are ambiguous and insufficient to enable a full assessment of compliance with the Order. Accordingly, planning permission is required.

11. DECISION

REFUSED

01 The proposed development, as submitted, does not constitute permitted development under Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. In respect of the proposed porch, the development fails to comply with Class A.3(a) as the proposed materials would not match those used in the majority of the equivalent element of the existing dwellinghouse. Insufficient information has been provided to demonstrate compliance with the siting requirements of Class D, whether the porch would be located at least 2 metres from the highway. The proposed front extension fails to comply with Class A(e) as it would extend beyond the principal elevation of the dwellinghouse and also fails to comply with Class A.3(a) as the proposed materials would not match those of the corresponding element of the existing dwelling. Insufficient information has been submitted in relation to the proposed fenestration alterations, including details of the window materials and brise soleil. Therefore, planning permission is required.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 006_EXT'G & PROP ELEVATIONS_62 CEDARWOOD DR; 05 - Site Location Plan; 04 - Proposed First Floor Plan; 03 - Existing First Floor Plan; 02 - Proposed Ground Floor Plan; 01 - Existing Ground Floor Plan; Proposed Rear – CGI; Proposed Front - CGI.; Existing Rear Photograph; Existing Front - Photograph

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.