

Delegated Decision Report

Application No:	26/0545	Statutory Period Expires:	12th October 2026
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Site:	90 Queens Road Newport NP20 5EX		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR A GARAGE CONVERSION TO A HABITABLE ROOM		
Applicant:	J James		
Type:	Lawful Development Proposed	Ward:	Allt-yr-Yn
Decision:	Refused		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises of a detached dwelling located within the Allt-yr-Yn ward. The dwelling is forms part of the newly constructed Queens Hill housing development. The properties in this part of the development all benefit from a detached garage.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks consent for the conversion of the garage to a studio and control room. A store room will be retained to the front. The garage door to the front will be replaced with side hinged vertical garage doors.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
18/0507	HYBRID APPLICATION: OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDING AND ERECTION OF UP TO 96NO. DWELLINGS (INCLUDING 14NO. AFFORDABLE DWELLINGS) AND ANCILLARY DEVELOPMENT, WITH ALL MATTERS RESERVED APART FROM THE PRINCIPLE OF MEANS OF ACCESS; AND FULL PLANNING PERMISSION FOR THE PARTIAL DEMOLITION OF 1 & 2 FIELDS ROAD AND CHANGE OF USE OF THE REMAINING PART TO A SINGLE DWELLING	Granted with Conditions	05.12.2018

5. ASSESSMENT

5.1 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).

5.2 The application seeks to determine whether the proposed changes would constitute permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Alterations to dwellings are considered under Class A of Part 1 and are subject to limitations and conditions.

5.3 The proposal would 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;

5.4 Notwithstanding this, condition 30 of the original permission, ref.18/0507 states:

Prior to the beneficial occupation of the associated dwelling, roads and footpaths shall have been laid to provide access to them and provision shall be made within the site for garaging/parking facilities in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The garaging/parking facilities shall be kept available for such use at all times thereafter.

Reason: To ensure that adequate access and parking provision is made in the interests of highway safety.

5.5 The room would be converted to a studio, resulting in the loss of the parking space within the garage. The condition restricts permitted development rights for the conversion of the garage and as such planning consent is required.

5.6 The site location plan submitted with the application identifies the dwelling and associated garage, however, it does not include a red line boundary to clearly define the application site. Had the Local Planning Authority been minded to approve the application, the submission of an amended site location plan showing the site outlined in red would have been required. However, given that the proposal is not acceptable to approve, it was not deemed necessary to request revised plans in this case.

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. 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 conversion of the garage is not lawful. Permitted development rights have been restricted on the property by the original consent, and therefore planning permission is required.

11. **DECISION**

REFUSED

01 Condition 30 of Outline planning permission (ref. 18/0507) removes permitted development rights for garage conversions and requires parking facilities to be retained and kept available for parking purposes at all times thereafter. Consequently, planning permission is required for the proposed conversion.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 90001-GC-002 - Garage Site + Location Plans, 90001-GC-001 - Garage Conversion Details.

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.