

Delegated Decision Report

Application No:	25/0376	Statutory Period Expires:	12th July 2025
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Site:	<i>Cae Gwynne Michaelstone Road Michaelston-Y-Fedw Cardiff CF3 6XT</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED CONSTRUCTION OF AN OUTBUILDING</i>		
Applicant:	<i>T Huckle</i>		
Type:	Lawful Development Proposed	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED		

1. BACKGROUND

- 1.1 Under the application 21/0249, evidence was provided that the application site as domestic residential garden curtilage has been used for over 10 years, and therefore is considered lawful.

2. SITE LOCATION AND CONTEXT

- 2.1 Cae Gwynne is a detached, 2no storey located in the Tredegar Park and Marshfield ward.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposed outbuilding would be L shaped with the north elevation measuring 12.4 meters in depth and the south elevation measuring 5.67 meters in depth. The maximum length of the outbuilding would be 18.26 meters and the height would be 2.5 meters.
- 3.2 The west elevation would have a composite door and coupled window, as well as an up- and-over garage door which would match the cladding. On the north elevation is it proposed for double glazed composite window framed windows and double glazed aluminium bi-folding doorset.
- 3.2 In terms of materials, there would be western red cedar weatherboarding cladding with shiplap joints, engineering brickwork plinth with buff bricks, and Anthracite rainwater downpipes and metal drip flashing.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
00/0345	STUDIO AT FIRST FLOOR LEVEL OVER EXISTING GARAGE AND REAR INFILL CONSERVATORY	GRANTED WITH CONDITIONS	12/05/2000
02/1641	ERECTION OF CONSERVATORY TO REAR OF PROPERTY	GRANTED	31/01/2003
21/0249	PROPOSED LAWFUL DEVELOPMENT CERTIFICATE FOR THE CONSTRUCTION OF A DETACHED ANCILLARY DOMESTIC OUTBUILDING AND EXTENSION TO DRIVEWAY	GRANTED WITH CONDITIONS	10/06/2021

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.

5.3 Town and Country Planning (General Permitted Development Order) 1995 (as amended).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 This application seeks to confirm, via a lawful development certificate, that planning permission is not required for the erection of a single storey outbuilding located in the rear garden of Cae Gwynne.

In order to be permitted development the proposal would need to accord with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) 1995 (as amended). The regulations permit 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. Development is not permitted by Class E if

(a) the total area of ground covered by buildings, enclosures, raised platforms, pools and containers within the curtilage (other than the original dwellinghouse) would 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, enclosures, raised platforms, pools and containers within the curtilage would not exceed 50% of the total curtilage.

(b) any part of the building, enclosure, raised platform, pool or container would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;

No part of the building, enclosure, raised platform, pool or container would extend beyond a wall comprised in the principal elevation of the original dwellinghouse.

(c) any part of the building, enclosure, raised platform, pool or container would 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;*

No part of the building, enclosure, raised platform, pool or container would 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;

- (d) *the building would have more than one storey;*

The building would not have more than one storey.

- (e) *the height of any part of the building, enclosure or container, measured from the surface of the ground immediately adjacent to that part, would exceed—*

- (i) *4 metres in the case of a building having a roof with more than one pitch;*
- (ii) *3 metres in any other case;*

The height of the proposed outbuilding does not exceed 3 metres.

- (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;*

The proposed outbuilding would not be within 2 meters of the boundary of the curtilage.

- (g) *the building, enclosure, pool or container would be situated within the curtilage of a listed building;*

The proposed outbuilding would not be situated within the curtilage of a listed building.

- (j) *it would include the construction or provision of a veranda, balcony or raised platform of which any part is more than 30 centimetres above the surface of the ground directly below it;*

The proposed outbuilding would not include a veranda, balcony or raised platform.

- (k) *it would include the enlargement, improvement or other alteration of any part of a dwellinghouse;*

The proposed outbuilding would not include an enlargement, improvement, or other alteration of any part of a dwellinghouse.

- (l) *it would include the installation, alteration or replacement of a microwave antenna*

The proposed outbuilding would not include the installation, alteration or replacement of a microwave antenna.

- (m) *the capacity of the container would exceed 3,500 litres.*
Not relevant.

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

11. **DECISION
GRANTED**

NOTE TO APPLICANT

01 This decision relates to plan Nos: PL 005 - Proposed Elevations, PL 004 - Proposed Ground Floor and Roof Plan, PL 003 - Proposed Block Plan Rev 01, PL 002 - Existing Block Plan, PL 001 - Location Plan.

02 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.