

Delegated Decision Report

Application No:	25/0492	Statutory Period Expires:	14th August 2025
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Site:	Full Moon Cottage Wellfield Road Marshfield Cardiff CF3 2UB		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED CONSTRUCTION OF A SINGLE STOREY EXTENSION TO THE REAR OF THE PROPERTY, RELOCATION OF GARAGE AND RECONFIGURATION OF THE EXISTING DRIVEWAY		
Applicant:	S R Leo		
Type:	Lawful Development Proposed	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 Full Moon Cottage is a two storey, detached dwelling located in the Tredegar Park and Marshfield ward.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to construct a single storey extension to infill the rear of the property. The extension would measure 6.6m in length and 2.64m in depth. It would measure 3.24m in height. It is also proposed to reconfigure the existing driveway by relocating the garage to the north west of the plot, allowing for car parking in the north east of the plot. The garage would measure 6.3m in depth and 3.26m in width. It would have a flat roof and measure 2.5m in height.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

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).

6. ASSESSMENT

6.1 This application seeks to confirm, via a lawful development certificate, that planning permission is not required for a proposed rear single storey extension, relocation of garage and reconfiguration of driveway.

6.1 In order to be 'permitted development', the proposal would need to accord with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), which allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if—

(a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—

(i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10 %, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,

(iii) in any case, by more than 115 cubic metres;

The cubic content of the resulting building would not exceed the cubic content of the original dwellinghouse.

(b)the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;

The part of the building enlarged, improved, or altered would not exceed in height the highest part of the roof of the original dwellinghouse.

(c)the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than—

(i)the part of the original dwellinghouse nearest to that highway, or

(ii)any point 20 metres from that highway,

whichever is nearer to the highway;

The part of the building enlarged, improved, or altered would not be near to any highway which bounds the curtilage of the dwellinghouse than the part of the original dwellinghouse nearest to that highway.

(d)in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

The part of the building enlarged, improved or altered is not within 2 meters of the boundary and would not exceed 4 metres in height.

(e)the total area of ground covered by buildings 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 within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

(f)it would consist of or include the installation, alteration or replacement of a microwave antenna

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

(g)it would consist of or include the erection of a building within the curtilage of a listed building;

The alteration would not consist of or include the erection of a building within the curtilage of a listed building.

(h)it would consist of or include an alteration to any part of the roof.

The alteration would not consist of or include an alteration to any part of the roof.

6.3

In order to be 'permitted development', the proposal would need to accord with Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), which allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is permitted by Class F subject to the condition that where –

(a)the area of ground to be covered by the hard surface is situated forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, or

(b)the area of hard surface to be replaced would be forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, and (taking into account any area of hard surface previously replaced) would exceed 5 square metres, the hard surface must be —

(i)porous or permeable; or

(ii)provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and

(iii)permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

The hard surface will be permeable.

- 6.4 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) Order 1995 (as amended), which allows for the enlargement, improvement or other alteration of a 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);
(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;
(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;
whichever is the nearer to the highway;
(d) the building would 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;
(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;
(h) any part of the building, enclosure, pool or container would —
(i) be situated within 2 metres of the dwellinghouse; and
(ii) exceed 1.5 metres in height above the surface of the ground immediately adjacent to it;
(i) the building, enclosure, pool or container would 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;
(k) it would include the enlargement, improvement or other alteration of any part of a dwellinghouse;
(l) it would include the installation, alteration or replacement of a microwave antenna; or

It would not include the installation, alteration or replacement of a microwave antenna.

(m) the capacity of the container would exceed 3,500 litres.

Not applicable.

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 proposed development would represent permitted development as set out within Class A, Class F and Class E Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is considered permitted development.

11. **DECISION
GRANTED**

01 The proposal accords with the criteria set out under Class A, Class F and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is permitted development

NOTE TO APPLICANT

01 This decision relates to plan Nos: R932-00 A4 Location Plan, R932-01 A1 Existing Site Plan, R932-02 A1 Existing Plans, R932-03 A1 Existing Elevations and 3D Visuals, R932-04 A1 Proposed Site Plan, R932-05 A1 Proposed Plans, R932-06 A1 Proposed Garage - Plans and Elevs, R932-07 A1 Proposed Elevations and 3D Visuals

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.