

Delegated Decision Report

Application No:	26/0041	Statutory Period Expires:	13th March 2026
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Site:	31 Elaine Crescent Newport South Wales NP19 7LD		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED HIP TO GABLE AND REAR DORMER ROOF EXTENSIONS		
Applicant:	P & L Rae & Richards		
Type:	Lawful Development Proposed	Ward:	St Julians
Decision:	GRANTED		

1. BACKGROUND

- 1.1 Planning permission was recently refused for a two storey side extension, single storey rear extension and hip to gable roof extension and amended parking layout. The application was refused for the following reason:

The proposed roof alterations and side extension will result in an unsympathetic, bulky, incongruous and discordant roof form and the loss of neighbouring symmetry, to the significant detriment of the character and appearance of the semi-detached pair and wider street scene where the predominance of hipped roofs remains part of the character and appearance of the local area and a unifying feature of merit. This is contrary to policy GP6 of the Newport Local Development Plan and the Council's House Extension SPG Adopted January 2020.

- 1.2 This application is a Lawful Development Certificate for the hip to gable roof extension and rear dormer only.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0868	PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, HIP TO GABLE ROOF EXTENSION AND AMENDED PARKING ARRANGEMENT	REFUSED	8/1/2026

3. ASSESSMENT

- 3.1 It is proposed to alter the side elevation of the roof form from hipped to gable, thereby extending the roof. This will also include alterations to the rear elevation of the roof, comprising of a new rear dormer. In terms of fenestration, 2no rooflights are proposed on the front elevation of the original roof. A small window and glazed doors with balustrade are proposed on the rear elevation of the proposed rear dormer.
- 3.2 In order to be 'permitted development' the proposal would need to accord with Class B, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Those regulations allow for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, providing that;

Development not permitted

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

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which—

- (i) is comprised in a side elevation of the existing dwellinghouse; and
- (ii) is within 10.5 metres from a highway opposite the side elevation of the dwellinghouse;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house; or
 - (ii) 50 cubic metres in any other case;
- (e) other than in the case of a hip to gable enlargement, any part of the enlargement would be less than 20 centimetres from the eaves of the existing roof;
- (f) it would consist of or include—
 - (i) the construction or provision of a veranda or raised platform ;
 - (ii) the construction or provision of a balcony which—
 - (aa) contains a platform of any description;
 - (bb) projects from the part of the exterior of the dwellinghouse to which it is affixed by more than 30 centimetres; or
 - (cc) if projected downwards in a vertical line to ground level, is within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation; or
 - (iii) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure; or
- (g) the dwellinghouse is on article 1(5) land or within a World Heritage Site.

Interpretation of Class B

B.3. For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4. In determining the height of the highest part of the existing roof for the purposes of paragraph B.1(a), no account is to be taken of any parapet wall, firewall, chimney or other roof furniture or similar structure projecting from that roof.

B.5. For the purposes of paragraph B.1(b), a hip to gable extension which would result in the enlargement of the area of an existing roof slope forming the principal elevation of the dwellinghouse is not to be taken to be development extending beyond the plane of that roof slope.

B.6. For the purposes of paragraph B.1(e)—

- (a) measurement to the eaves is to be made to the point where the external walls of the dwellinghouse would, if projected upwards, meet the lowest point of the upper surface of the roof; but
- (b) no account is to be taken of any parapet wall or any part of the roof surface which overhangs the external walls of the dwellinghouse.

- 3.3 Additionally the development would also need to comply with the conditions set out in section B.2 in relation to Class A development, which states;

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).

- 3.4 In order to be permitted development the proposal insofar as it includes rooflights would need to accord with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (Wales) Order 1995 (as amended). Under Class C, development is not permitted if:

(a) the alteration would protrude more than 15 centimetres beyond the plane of the slope of

the original roof when measured from the perpendicular with the external surface of the original roof;

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof;

(c) it would consist of or include—

(i) the installation, alteration or replacement of a chimney;

(ii) the installation, alteration or replacement of a microwave antenna;

(iii) the installation, alteration or replacement of an air source heat pump, solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system;

(iv) the construction or provision of a veranda or raised platform;

(v) the construction or provision of a balcony which—

(aa) contains a platform of any description;

(bb) projects from the part of the exterior of the dwellinghouse to which it is affixed by more than 30 centimetres; or

(cc) if projected downwards in a vertical line to ground level, is within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation;

(vi) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure;

(vii) the removal of a chimney from a dwellinghouse on article 1(5) land or within a World Heritage Site; or

(d) the alteration would consist of or include the insertion of a roof light into a roof slope and the dwellinghouse is on article 1(5) land or within a World Heritage Site.

- 3.4 The proposed rear dormer will not exceed the highest part of the existing roof and the cubic content of the resulting roof extension would not exceed 50 cubic metres volume. The volume as calculated by the applicant is 36 cubic metres. Officers calculate it to be just less than 40 cubic metres and whilst the figures reached are different there is no dispute that it is less than 50 cubic metres. The side elevation of the roof, as a result of the extension, extends beyond the plane of the existing roof slope. However, the side elevation is not opposite a highway and it does not include a side/gable window. The dormer is more than 20cm from the eaves of the existing roof. The roof windows do not extend by more than 15cm from the plane of the roof and do not exceed the highest part of the roof. The plans refer to a balcony serving the rear dormer but this is erroneous as the feature is only a Juliet style railing and would not contain a platform and would not project more than 30cm from the exterior of the dormer. It would also not be within 10.5m of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation. As such, the proposed rear dormer, rooflights and roof extension is in accordance with the relevant criteria within Class B and Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such is considered permitted development.

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 of proposed hip to gable and rear dormer roof extensions would represent permitted development as set out within Class B and Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

11. **DECISION**

GRANTED

01 The proposal accords with the criteria set out under Class B and Class C, 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: KD2033/1, KD2033/2A, Site location plan, Design Statement.

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.