

Delegated Decision Report

Application No:	25/0846	Statutory Period Expires:	3rd December 2025
------------------------	----------------	----------------------------------	--------------------------

Site:	4 The Coldra Newport NP18 2LP		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR ATTIC CONVERSION INCLUDING HIP TO GABLE ROOF EXTENSION AND REAR DORMER AND GARAGE CONVERSION INCLUDING HIP TO GABLE ROOF EXTENSION		
Applicant:	A Karia		
Type:	Lawful Development Proposed	Ward:	Ringland
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The property is a two-storey detached dwelling located in the Ringland Ward. The property is the penultimate dwelling located along The Coldra (B4237). Externally the property is finished in red brick with red clay tiles.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to convert 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. The rear dormer would measure 3.5m in depth, 6.4m in width, 2.2m in height and would be set back 530mm from the eaves. In terms of fenestration, 1no single pane casement window and 1no triple pane window are proposed in the rear elevation of the proposed rear dormer. The dormer would be finished in render to match the external finish of the first floor on the rear elevation of the host dwelling.

3.2 A garage conversion is also proposed in addition to a hip to gable roof extension on the existing attached garage extension. The side extension/garage measures 3.3m in width, 8m in depth, 2.3m in height to the eaves and 4.2m in height to the ridge.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
07/1141	ERECTION OF A REAR CONSERVATORY, GARAGE CONVERSION AND LOFT CONVERSION INCLUDING THE INSTALLATION OF SIDE DORMER WINDOW	REFUSED	08.11.2007
04/1063	ERECTION OF TWO STOREY EXTENSION TO SIDE AND SINGLE STOREY EXTENSION TO REAR	GRANTED WITH CONDITIONS	01.10.2004

5. PLANNING POLICY

5.1 NONE.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

- 8.1 Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows for roof alterations and extensions to take place to a dwellinghouse without the need to gain formal planning permission, subject to limitations. In relation to a hip-to-gable extension, the legislation allows for the development to take place providing that;

(a) The height of the dwellinghouse, as a result of the works, would not exceed the height of the highest part of the existing roof,
(b) Any part of the dwellinghouse does not, 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 does not, as a result of the works, extend beyond the plane of any existing roof slope which is comprised in the side elevation of the dwelling and is within 10.5m of a highway opposite the side elevation of the dwellinghouse, and
(d) The cubic content of any resulting roof space does not exceed the cubic content of the original roof space by more than 50m³.

8.2 *Permitted development*

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C 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.

Conditions

C.2 Development is permitted by Class C 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, 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 paragraphs C.2(b)(i) and (ii).*

Interpretation of Class C

C.3 For the purposes of paragraph C.1(b)—

- (a) in the determination of the height of the highest part of the original roof, no account is to be taken of any relevant structure projecting from that roof;*
- (b) in the determination of the height of the highest part of the alteration, account is to be taken of any relevant structure comprised in the alteration; and*
- (c) “relevant structure” means any parapet wall, firewall, chimney or other roof furniture or similar structure.*

- 8.3 In relation to the garage conversion, 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—

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

- 8.4 In relation to the rear dormer roof extension, the proposed rear dormer will not exceed the highest part of the existing roof and is set back more than 20cm from the eaves. The proposed rear dormer and hip-to-gable loft conversion of the host dwelling would increase the resultant roof space by 48.28 cubic metres volume. To comply with Schedule 2, Part 1, Class B(d), the cubic content of the resultant roof space must not exceed the cubic content of the original roof space by more than 50 cubic metres. This includes the increase in the cubic content of the roof space above the existing garage. The cubic content of the hip-to-gable alteration of the host dwelling, the hip-to-gable alteration of the existing garage and the rear dormer would in combination, exceed 50 cubic metres. As such, the development is not in accordance with the relevant criteria within Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such is not permitted development.
- 8.5 In relation to the garage conversion, the materials match the appearance of the materials used in the equivalent element of the existing dwellinghouse and is therefore in accordance with the relevant criteria within Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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 not in accordance with Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and planning permission would be required for the proposal.

11. DECISION

REFUSED

01 The proposed development does not comply with criteria B(1)(d) of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended and is not lawful.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 403-DHA-0129-Proposed 3D Rear View_Rev02, 403-DHA-0128-Proposed 3D Front View_Rev02, 403-DHA-0127-Proposed Elevations_Rev02, 403-DHA-0126-Proposed Loft - Roof Plan_Rev02, 403-DHA-0125-Proposed Ground - First Floor Plan_Rev03, 403-DHA-0104-Existing 3D Rear View_Rev01, 403-DHA-0103-Existing 3D Front View_Rev01, 403-DHA-0102-Existing Elevations_Rev01, 403-DHA-0101-Existing Loft - Roof Plan_Rev01, 403-DHA-0100-Existing Ground - First Floor Plan_Rev01, Location Plan.

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.