

Delegated Decision Report

Application No:	26/0026	Statutory Period Expires:	11th March 2026
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Site:	6 Brynhyfryd Avenue Newport NP20 4FY		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY DETACHED GARDEN OFFICE ROOM AND SHED		
Applicant:	D Stathakis		
Type:	Lawful Development Proposed	Ward:	Stow Hill
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises of a 2 storey semi detached dwelling located on Brynhyfryd Avenue, a residential street within Stow Hill. The property benefits from a private rear amenity space

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal comprises of the construction of a single storey rear outbuilding. The outbuilding would measure 3.5m deep, 6.1m wide and have a maximum height of 2.5m. The outbuilding will accommodate a garden office and shed.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0014	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED REAR EXTENSION	GRANTED	07.03.2024

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 single storey detached garden office room and shed.

6.2 In order to be 'permitted development' the proposal would need to accord with Class E, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Those regulations allow for the erection of a single storey rear outbuilding within the curtilage of a dwellinghouse, providing that:

(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 (other than the original dwellinghouse) would not 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;

Any part of the building, enclosure, raised platform, pool or container would not 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;

Any part of the building, enclosure, raised platform, pool or container would not extend beyond a wall comprised in a side elevation of the existing dwellinghouse

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

The buildings 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 propped development will have a flat roof.

The height of the any part of the building, enclosure or container, measured from the surface of the ground immediately adjacent to that part, would not exceed 3m.

(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;

any part of the building, enclosure or container would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would not exceed 2.5m in height above the surface of the ground immediately adjacent to it.

(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;

Any part of the building, enclosure, pool or container would not be situated within 2 metres of the dwellinghouse.

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

The building, enclosure, pool or container would not be situated within the curtilage of a listed building

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

it would not include the enlargement, improvement or other alteration of any part of a dwellinghouse

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

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**

8.1 The development meets the above permitted development criteria. As such, it is permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

11. **DECISION
GRANTED**

The development is lawful and is permitted under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Proposed Site Plan, Proposed Floor Plan and Elevations

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.