

Delegated Decision Report

Application No:	25/0619	Statutory Period Expires:	17th October 2025
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Site:	44 Clipper Close Newport NP19 7LL		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED TWO-STOREY SIDE EXTENSION AND SINGLE STOREY SIDE AND REAR EXTENSION		
Applicant:	J Cooper-Gray		
Type:	Lawful Development Proposed	Ward:	St Julians
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 44 Clipper Close is a two-storey detached dwelling located in the St Julians ward. Externally, the property is finished in red brick with white UPVC windows.

3. DESCRIPTION OF DEVELOPMENT

3.1 A two-storey extension is proposed, measuring 2.5m in width, extending from the northern (side) elevation, 3.5m in depth, 4.8m to the eaves and 7m to the ridge of the dual pitch roof. The extension would be set down 600mm from the ridge of the host dwelling and set back 3m from the front elevation of the host dwelling. In terms of fenestration, 1no first floor window is proposed on the western (front) elevation, 1no first floor window is proposed on the eastern (rear) elevation, 1no first floor window is proposed on the northern (side) elevation with a Juliette balcony. At ground floor level, 1no door is proposed on the western (front) elevation. The side elevation of the two-storey side extension would be set in 9m from the nearest boundary.

3.2 A single storey extension is also proposed, measuring 3.5m in depth, extending from the eastern (rear) elevation, 11m in width, 2.4m to the eaves and 2.7m to the top of proposed flat roof. In terms of fenestration, 3no windows are proposed on the eastern (rear) elevation, 2no sets of patio doors are proposed on the northern (side) elevation and 1no lantern style rooflight is proposed in the flat roof. The extension would project 4.5m beyond the existing side elevation of the host dwelling (2m beyond the side elevation of the proposed two storey side extension), for a depth of 3.5m making it a part rear, part side extension. The single storey extension would be set in 7m from the nearest boundary at its closest point.

4. RELEVANT SITE HISTORY

None.

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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)
None.

5.4 SUPPLEMENTARY PLANNING GUIDANCE
None.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 The enlargement, improvement or other alteration of a dwellinghouse falls under Part 1, Class A of the Town and Country Planning (General Permitted Development) (Order 1995 (as amended) which states;

Development not permitted

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

(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

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

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(d) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and—

(i) the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 3 metres; or

(ii) the height of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 4 metres;

(e) the enlarged part of the dwellinghouse would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;

(f) the enlarged part of the dwellinghouse 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;

(g) the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have a single storey and—

(i) the enlarged part of the dwellinghouse would exceed 4 metres in height; or

(ii) the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;

(h) the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—

(i) the enlarged part of the dwellinghouse would be within 10.5 metres of any boundary

which is—

(aa) a boundary of the curtilage of the dwellinghouse; and

(bb) opposite the relevant side elevation;

(ii) the enlarged part of the dwellinghouse would be set back, by less than 1 metre, from the point nearest to that part in any wall comprised in the principal elevation of the original dwellinghouse; or

(iii) the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;

(i) the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have a single storey and would —

(i) extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres; or

(ii) exceed 4 metres in height;

(j) the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—

(i) the ground floor storey would extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres;

(ii) the first floor or higher storey would extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 3 metres; or

(iii) **the first floor or higher storey would be within 10.5 metres of any boundary which is—**

(aa) a boundary of the curtilage of the dwellinghouse; and

(bb) opposite the rear wall of the dwellinghouse;

(k) it would consist of or include external wall insulation which projects from that part of the exterior of the dwellinghouse to which it is affixed by more than 16 centimetres; or

(l) 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;

(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

(dd) would be affixed to a wall comprised in the principal elevation of the dwellinghouse;

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

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

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

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

(vii) the installation of shutters on any part of the principal elevation of the dwellinghouse; or

(viii) an alteration to any part of the roof of the dwellinghouse, being an alteration which does not fall within paragraphs A.1(l)(i) to (vii).

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) 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;
- (b) **if any element of an upper-floor window located in a wall, 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 wall or roof slope, 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 paragraphs A.3(b)(i) and (ii); and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part must, so far as practicable, match the roof pitch of the existing

dwellinghouse.

Interpretation of Class A

A.4 For the purposes of paragraph A.1(b)—

- (a) in determining the height of the highest part of the roof of the existing dwellinghouse, 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 dwellinghouse enlarged, improved or altered, account is to be taken of any relevant structure comprised in that part; and
- (c) “relevant structure” means any parapet wall, firewall, chimney or other roof furniture or similar structure.

A.5 In determining the height of the eaves for the purposes of paragraphs A.1(c) and A.1(d)—

- (a) the determination is to be made by reference 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 slope which overhangs the external walls of the dwellinghouse; and
- (c) where the existing dwellinghouse has eaves at differing heights, a determination for the purposes of paragraph A.1(c) is to be made by reference to the eaves of the part of the existing dwellinghouse from which the enlarged, improved or altered part of the dwellinghouse extends.

A.6 For the purposes of paragraphs A.1(e) and A.1(f), the enlarged part of the dwellinghouse is to be

determined to extend beyond a wall referred to in those paragraphs if it would be in front of—

(a) In the case of a wall referred to in paragraph A.1(e)—

- (i) that wall in its original form; or
- (ii) that wall as it would exist if its original form were to have been extended, continuing the line of the wall, from each of its side edges to the boundary of the present curtilage of the dwellinghouse; or

(b) In the case of a wall referred to in paragraph A.1(f)—

- (i) that wall as it exists; or
- (ii) that wall as it would exist if it were to be extended, continuing the line of the wall, from each of its side edges to the boundary of the curtilage of the dwellinghouse.

A.7 In determining the height of the enlarged part of the dwellinghouse for the purposes of paragraph A.1(g)(i) or A.1(i)(ii), account is to be taken of any parapet wall, firewall, chimney or other roof furniture or similar structure comprised in that part.

A.8 For the purposes of paragraph A.1(g)(ii) or A.1 (h)(iii) “resulting dwellinghouse” means the dwellinghouse as enlarged, improved or altered, taking into account any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this Part or not.

- 8.2 In relation to the two-storey side extension, the proposal fails to comply with A.1 (i) which states that ‘development is not permitted by Class A if the enlarged part of the dwellinghouse would be within 10.5 metres of any boundary which is a boundary of the curtilage of the dwellinghouse’. The two-storey side extension would be 9m from the northern (side) boundary at its closest point and 9.8m from the eastern (rear) boundary. Similarly, it would also fail to comply with A.1 (iii) which states ‘development is not permitted if the first floor or higher storey would be within 10.5 metres of any boundary which is a boundary of the curtilage of the dwellinghouse’. The two-storey side extension also fails to comply with A.3 (b) which states development is only permitted, providing that ‘if any element of an upper-floor window located in a wall, 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 wall or roof slope, 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 paragraphs A.3(b)(i) and (ii)'. 3no first floor windows are proposed in total. The first-floor windows on the side elevation would be within 10.5 metres of any boundary of the curtilage of the dwellinghouse if projected downwards in a vertical line to ground level. The side elevation window would not be obscure glazed, non-opening, nor 1.7m above the internal floor level and therefore fail to comply with A.3 (b)(i) and (ii). For the aforementioned reasons, the proposed two-storey side extension fails to comply with Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and is therefore not 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 works do not comply with Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and are therefore not permitted development

11. DECISION

REFUSED

01 The proposed works do not comply with Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and are therefore not permitted development.

NOTE TO APPLICANT

01 This decision relates to plan Nos: DRG.01 – Existing Elevations, DRG.02 – Existing Floor Plans, DRG.03 – Proposed Floor Plans, DRG.04 – Proposed Elevations, DRG.05 – Site Location Plan, DRG.06 – Existing/Proposed Site Plans.

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.