

Delegated Decision Report

Application No:	25/0851	Statutory Period Expires:	3rd December 2025
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Site:	3 Spytty Lane Newport NP19 4RS		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION INCLUDING HIP TO GABLE ROOF EXTENSION, REAR DORMER AND ROOFLIGHTS		
Applicant:	D Robinson		
Type:	Lawful Development Proposed	Ward:	Liswerry
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 3 Spytty Lane is a two-storey semi-detached dwelling located in the Liswerry ward.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to erect a single storey extension on the rear elevation. The extension would measure 3.9m in depth from the existing rear elevation and 7.7m in width. The extension would measure 2.8m from the ground level to the eaves, 2.9m to the top of the proposed flat roof and a maximum of 3.5m in height to the top of the proposed lantern style roof light. The external walls would be render to match the host dwelling. Fenestration would consist of 1no set of bifold doors on the rear elevation and 2no lantern style roof lights.

3.2 It is proposed to convert 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. The rear dormer would measure 3.5m in depth, 7.2m in width, 2.4m in height and would be set back 230mm from the eaves. In terms of fenestration, 2no single pane casement windows and 1no casement window are proposed in the rear elevation of the proposed rear dormer and 3no rooflights are proposed on the front elevation of the original roof. The dormer would be finished in hanging slate to match the slate roof of the host dwelling.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 NONE.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 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) (Amendment)(Wales) Order 2013. Class A provides permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse. Under Class A, development is not permitted 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).

- 8.2 The proposal would also 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—

(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.

- 8.3 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.

- 8.3 *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*

- 8.4 In relation to the single storey rear extension, it would not extend more than 4m beyond the rear elevation of the dwelling and would not exceed 4 metres in height, the eaves height is below 3m and the materials would match the existing. As such, the proposed rear extension is in accordance with the relevant criteria within Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and as such is considered permitted development.
- 8.5 In relation to the hip to gable alteration and 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 would increase the resultant roof space by 47.53 cubic metres volume. As such, the proposed rear dormer and roof extension is 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 considered permitted development.
- 8.6 The 3no velux rooflights in the roof front slope would not protrude more than 0.15m beyond

the plane of the roof slope. As such, the proposed alterations to the roof/rooflights are in accordance with the relevant criteria within Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such is 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 would represent permitted development as set out within Class A-C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

11. DECISION

GRANTED

01 The proposed development is permitted development as set out within Classes A-C,

NOTE TO APPLICANT

01 This decision relates to plan Nos: 25-2385-DWG-02B Planning A1, 25-2385-DWG-01A OS Map A3.

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.