

Delegated Decision Report

Application No:	25/0443	Statutory Expires:	Period 29 th August 2025
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Site:	14 Grosvenor Road Bassaleg Newport NP10 8PY		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SUMMERHOUSE		
Applicant:	J Channing		
Type:	Lawful Proposed	Development	Ward: Graig
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site consists of a semi detached dwelling within Bassaleg. The property includes a driveway to the front and enclosed garden to the rear. The rear garden is at a higher level than the dwelling due to the topography of the land.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to erect a single storey summerhouse in the rear garden of 14 Grosvenor Road, Bassaleg. The proposed summerhouse would measure 4 metres x 4 metres and reach a maximum height of 2.5 metres to the top of the flat roof. It would be of timber construction.

4. RELEVANT SITE HISTORY

Application No:	Proposal:	Decision:	Decision Date:
24/0469	LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED ERECTION OF AN OUTBUILDING AND FENCING	Withdrawn	24/07/2024
24/0141	CONVERSION OF GARAGE AND CHANGE WINDOWS / DOORS / FACIAS / SOFFITS / GUTTER TO ANTHRACITE GREY	Granted with Conditions	02/05/2024
24/0129	RETROSPECTIVE APPLICATION FOR THE ERECTION OF SUMMERHOUSE/GYM IN GARDEN, FENCES TO BE ERECTED AROUND PERIMETER OF OUTBUILDING, DECKING WITH NEW STAIRS TO THE FRONT OF OUTBUILDING	Refused	27/03/2024

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 195 of the Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (General Permitted Development) Order 1995 (Wales).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 In order to be permitted development the proposal would need to accord with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Class E provides permitted development rights for the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure. Under Class E, development is not permitted if:

- (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);*
- (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;*
- (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;*
- (d) the building would 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;*
- (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;*
- (g) the height of the eaves of the building, measured at any point along their length, would exceed 2.5 metres;*
- (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;*
- (i) the building, enclosure, pool or container would be situated within the curtilage of a listed building; 52*
- (j) it would include the construction or provision of a veranda, balcony or raised platform of which any part is more than 30 centimetres above the surface of the ground directly below it;*
- (k) it would include the enlargement, improvement or other alteration of any part of a dwellinghouse;*
- (l) it would include the installation, alteration or replacement of a microwave antenna; or*
- (m) the capacity of the container would exceed 3,500 litres.*

8.2 The proposal would also need to comply with the conditions set out in section E.2 in relation to Class E development, which states:

E.2 In the case of any land within the curtilage of the dwellinghouse which is on article 1(5) land or within a World Heritage Site, development is not permitted by Class E if—

- (a) the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres;*
- (b) any part of the building, enclosure, pool or container would be situated on land between a wall comprised in a side elevation of the existing dwellinghouse and the section of the boundary of the curtilage of the dwellinghouse which faces that wall.*

8.3 The proposed outbuilding is located within the rear garden of the application site. The building is located less than 2 metres from the boundary of the curtilage of the dwellinghouse, but the height of the outbuilding is no greater than 2.5 metres. As such, the proposed outbuilding is in accordance with the relevant criteria within Class E of the Town and Country Planning (General Permitted development) Order 1995 (as amended) and as such is considered permitted development. Permitted development rights have not been removed and whilst it is noted that the plans show a reduction of the original ground levels by 275mm due to the sloping land, this is not considered to constitute development requiring planning permission.

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 E 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 E, 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: SD1078 01, SD1078 02, SD1078 03 and SD1078 04.

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 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.