

Delegated Decision Report

Application No:	26/0024	Statutory Period Expires:	10th March 2026
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Site:	<i>13 Penylan Road Newport NP19 8AD</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED LOFT CONVERSION INCLUDING HIP TO GABLE AND REAR DORMER ROOF EXTENSIONS</i>		
Applicant:	<i>R & R Tadman</i>		
Type:	Lawful Development Proposed	Ward:	Alway
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a semi-detached property located on Penylan Road and benefits from off-street parking. The surrounding area is predominantly residential, with Beechwood Park situated to the west of the property.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks confirmation that a hip to gable roof alteration and a rear flat roof box dormer are lawful and permitted development. Materials are proposed to match that of the existing dwellinghouse.

Dormer

D: 3.4m (3.6m to roof overhang)

W: 5.8m (6.1m to roof overhang)

H: 2.5m

Volume: 24.65m³

Hip to gable roof alteration

Volume: 12.79m³

Total proposed additional roof space: 37.44m³

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 Town and Country Planning (General Permitted Development) (Wales) Order 1995 (as amended), Schedule 2.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 In order to be permitted development the proposal would need to accord with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Wales) Order 1995 (as amended). Class B provides permitted development rights for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Under Class B, development is not permitted if:

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(b) any part of the dwellinghouse would, 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 would, as a result of the works, extend beyond the plane of any existing roof slope which—

(i) is comprised in a side elevation of the existing dwellinghouse; and

(ii) is within 10.5 metres from a highway opposite the side elevation of the dwellinghouse;

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house; or

(ii) 50 cubic metres in any other case;

(e) other than in the case of a hip to gable enlargement, any part of the enlargement would be less than 20 centimetres from the eaves of the existing roof;

(f) 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; 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; or
- (iii) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure; or
- (g) the dwellinghouse is on article 1(5) land or within a World Heritage Site.

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

- (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, 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 the requirements of paragraphs B.2 (b) (i) and (ii).

8.3 In order to be permitted development the proposal insofar as it includes rooflights would need to accord with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (Wales) Order 1995 (as amended). Under Class C, development is not permitted 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.

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

(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).

8.5 When assessing the proposed scheme, the alterations do not exceed the highest part of the dwellinghouse, the development does not project past the principal roof plane and the dormer is set up at least 20cm from the eaves. The side elevation of the roof, as a result of the extension, extends beyond the plane of the existing roof slope. However, the side elevation is not opposite a highway, and the side window is obscured glazed and fixed shut. The roof windows do not extend by more than 15cm from the plane of the roof. The total cubic content of the proposed roof space is 37m³ and therefore below the 50m³ limit. When assessing the applicant's plans, it is noted that the applicant has noted different calculations for the hip to gable alteration and rear dormer alteration. This was queried; however, both the applicant and planning officer have a total cubic content increase of 37m³, lower than the 50m³ limit. Therefore, this is deemed acceptable. The applicant has confirmed that the materials will match that of the main dwellinghouse and the side window will be obscure glazed and fixed shut.

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 B and Class C 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 Class B and Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

02 The development shall be implemented in accordance with the following plans and documents: 01 - Existing Site/Block Plan; 02 - Existing Ground Floor Plan; 03 - Existing First Floor Plan.; 04 - Existing Roof Plan; 05 - Proposed First Floor Plan; 06 - Proposed Loft Floor Plan; 07 - Proposed Roof Plan.; 08 - Existing Elevations.; 09A (2) Proposed Elevations; 10 - Proposed Site/Block Plan' Loft Sections 11.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

NOTE TO APPLICANT

01 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.

02 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.