

Delegated Decision Report

Application No:	25/0477	Statutory Period Expires:	7th August 2025
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Site:	20 Violet Walk Rogerstone Newport NP10 9SD		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY REAR EXTENSION AND CONVERSION OF EXISTING GARAGE INTO HABITABLE ROOM		
Applicant:	Mullinear		
Type:	Lawful Development Proposed	Ward:	Rogerstone West
Decision:	REFUSED		

1. BACKGROUND

- 1.1 A planning condition was imposed under the original application 94/0251 that stated:

Provision shall be made within the site for garaging/parking facilities for each unit in accordance with the Council's adopted parking standards and shall be kept available for such use at all times.

Reason: To ensure that adequate parking provision is made off the highway in the interests of road safety.

2. SITE LOCATION AND CONTEXT

- 2.1 20 Violet Walk is a two storey, detached dwelling located in the Rogerstone West ward. It has an integrated garage on the north east elevation.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 It is proposed to erect a single storey rear extension and convert the existing garage into a habitable room. The single storey extension would measure 2.8m in depth, 2.7 in maximum height, and 8m in length. It is also proposed for a roof light, 1no. 3 panelled window, and a bifolding door.
- 3.2 It is also proposed to convert the garage into a habitable room. It is proposed for a 4no. panelled window in the front elevation.

4. RELEVANT SITE HISTORY

None.

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 rear single storey extension.

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) Order 1995 (as amended), which allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if—

(a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—

(i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10 %, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,

(iii) in any case, by more than 115 cubic metres;

The cubic content of the resulting building would not exceed the cubic content of the original dwellinghouse.

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

The part of the building enlarged, improved, or altered would not exceed in height the highest part of the roof of the original dwellinghouse.

(c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than—

(i) the part of the original dwellinghouse nearest to that highway, or

(ii) any point 20 metres from that highway, whichever is nearer to the highway;

The part of the building enlarged, improved, or altered would not be near to any highway which bounds the curtilage of the dwellinghouse than the part of the original dwellinghouse nearest to that highway.

(d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

The part of the building enlarged, improved or altered is not within 2 meters of the boundary and would not exceed 4 metres in height.

(e) the total area of ground covered by buildings 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 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).

(f) it would consist of or include the installation, alteration or replacement of a microwave antenna

The alteration would not consist of or include the installation, alteration or replacement of a microwave antenna.

(g) it would consist of or include the erection of a building within the curtilage of a listed building;

The alteration would not consist of or include the erection of a building within the curtilage of a listed building.

(h) it would consist of or include an alteration to any part of the roof.

The alteration would not consist of or include an alteration to any part of the roof.

- 6.2 The proposed single storey extension is in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 6.3 This application also seeks to confirm that planning permission is not required for a proposed garage conversion to habitable room.
- 6.4 Under the application 94/0251, there was condition imposed that the site is to remain in *accordance with the Council's adopted parking standards*. The application site comprises of three bedrooms, therefore it is expected for the dwelling to have three parking spaces. The loss of the parking space would breach this condition.

7. OTHER CONSIDERATIONS

7.1 *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.

7.2 *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.

7.3 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.

7.4 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.

7.5 *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.

7.6 *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 does not represent permitted development as the loss of the garage would breach the original planning condition that states the site must remain in accordance with NCC's parking standards.

11. DECISION

REFUSED

01 The proposed development does not represent permitted development as the loss of the garage would be in breach of a condition attached to the original planning consent.

NOTE TO APPLICANT

01 This decision relates to plan Nos: OS01 - A3 - SITE LOCATION PLAN, PL01 - A3 - EXISTING FLOOR PLAN, PL02 - A3 - EXISTING ELEVATIONS, PL03 - A3 - PROPOSED FLOOR PLAN, PL04 - A3 - PROPOSED ELEVATIONS - REV C

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.