

Delegated Decision Report

Application No:	25/0024	Statutory Period Expires:	20th May 2025
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Site:	7 Vicarage Gardens Marshfield Cardiff South Wales CF3 2PS		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY REAR EXTENSION		
Applicant:	Casoria		
Type:	Lawful Development Proposed	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a detached dwelling situated within the Tredegar Park and Marshfield ward. The property is situated at the end of the Vicarage Gardens Cul-de-Sac. The site is located within an Archaeologically Sensitive Area and in Flood Zone 3 according to the Flood Maps for Planning.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to erect a single storey rear extension. The proposed rear extension would replace the existing conservatory. The extension would have a gable feature at the north east and a lean to roof to the south east. 2no. rooflights are proposed on the lean to roof section. A set of bifold doors are proposed, allowing access to the rear garden. At maximum the height of the extension would be 4.6m. The extension would measure a width of 13.9m across the rear of the dwelling. The maximum depth of the extension would be 3.3m.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
20/1042	CONSTRUCTION OF REPLACEMENT PORCH	Granted with Conditions	18.03.2021
01/0273	CERTIFICATE OF LAWFULNESS FOR PROPOSED ERECTION OF CONSERVATORY TO REAR OF PROPERTY	Granted with Conditions	20.04.2001

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) ORDER 1995 (AS AMENDED).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 This application seeks to confirm, by means of a Lawful Development Certificate that a rear extension at 7 Vicarage Gardens is permitted development in accordance with the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

8.2 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). 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).

- 8.3 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.

- 8.4 The rear extension would not extend by more than 4m beyond the rear elevation. However

the maximum height of the extension, to the ridge of the gable feature would measure 4.6m in height. This exceeds the requirements as set out in Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The extension is not considered Permitted Development and will require 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 height of the extension exceed the requirements as set out in Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The extension is not permitted development and requires planning permission.

11. DECISION

Refused

01 The height of the extension exceeds the requirements as set out in Part 1, Class A of the

Town and Country Planning (General Permitted Development) Order 1995 (as amended). The extension is not permitted development and requires planning permission.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 343-0001 - Site Location Plan, 343-0100 - Existing Layout, 343-0101- Proposed Layout - Option 1 (A)

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.