

Delegated Decision Report

Application No:	25/0144	Statutory Period Expires:	24th April 2025
------------------------	----------------	----------------------------------	------------------------

Site:	Catsash Gardens Catsash Road Newport NP18 1JQ		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR 4NO. DORMER WINDOWS TO EXISTING ROOF ON FRONT AND REAR ELEVATIONS		
Applicant:	S Odwyer		
Type:	Lawful Development Proposed	Ward:	Caerleon
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The property is located within the semi-rural area of Langstone / Newport and is accessed from Catsash road. The site is within countryside as identified by Policy SP5 of the Newport Local Development Plan 2011 – 2026 and as shown on the associated proposals map. The curtilage lies Northwest of Langstone and has good links via either Christchurch or the main A48 – Chepstow Road. The site is surrounded by a variety of boundary treatments. The West being dominated by large existing semi woodland whilst the North abuts the Celtic manor golf course and is separated by mature hedgerow. The Southern boundary abuts Catsash road and hosts a number of mature trees that blanket the dwelling and the majority of the grounds from public view. The Eastern boundary hosts a few mature trees and hedgerows. The site provides great views of the Usk valley and takes in the Celtic manor golf course and the regions of Llanhennok to the North. The site area is expansive and is clearly well beyond the lawful residential curtilage which is confined to the eastern area of the site.

2.2 The site currently hosts the existing dwelling known as Catsash Gardens, parking court in gravel, a single storey garage and large open gardens, consisting of mainly grassed areas and localised low-level shrubs and planting and a large woodland area to the East. The site is currently accessed via a private drive (gated) and leads to a parking court and an existing single storey garage. The site falls some 2m from the main road towards the house. There is also a steep fall towards the rear of the house adjacent the Northern boundary abutting the golf course. The site does not lie within any flood plain and is therefore classed as flood free. The existing family dwelling is of an early 20th Century design, and consists of concrete roofing tiles, render external features and white UPVC windows.

3. DESCRIPTION OF DEVELOPMENT

3.1 4no dormers are proposed in total. 2no dormers are proposed on the roof slope above the front elevation and 2no dormers are proposed on the roof slope above the rear elevation. Each dormers measures 1.6 in width, 1.95m in depth, 1.5m in height, and a volume of 2.34m³ equating to 9.36m³ in total. Each dormer would be set down 715mm from the ridge of the host dwelling and set back 1.2m from the eaves.

3.2 The dormers would be finished and constructed in lead for a traditional finish and the windows would include lead finishes to match the fenestration of the host dwelling.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0837	CERTIFICATE OF LAWFULNESS FOR PROPOSED SINGLE STOREY REAR EXTENSION AND TWO STOREY	GRANTED	07.11.2024

	EXTENSION TO THE SIDE OF THE PROPERTY		
24/0206	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF THE PROPERTY AND TWO STOREY EXTENSION TO THE SIDE OF THE PROPERTY	REFUSED	26.04.2024

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 192 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 NEIGHBOURS: NONE.

8. ASSESSMENT

- 8.1 *The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 Schedule 2 Part 1 Class B permits the enlargement of an addition or alteration to its roof.*

B.1. Development is not permitted by Class B 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 2no of the 4no proposed dormers would extend beyond the plane of the existing roof slope which forms the principal (front) elevation of the dwellinghouse and is therefore not in accordance with Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.
- 8.3 The proposed dormer extensions would be externally finished in lead which does not comply with Schedule 2, Part 1, Class A.3 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 which states that 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.

- 8.4 The proposal does not comply with the relevant conditions set out in The Town and Country Planning (General Permitted Development) Order 1995 (Wales) and permission is not granted by the order.

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 development is not in accordance with Schedule 2, Part 1, Class B and Schedule 2, Part 1, Class A.3 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and planning permission would be required for the proposal.

11. DECISION

REFUSED

01 The proposed development does not comply with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended. Planning permission is therefore required for the proposal.

NOTE TO APPLICANT

01 This decision relates to plan Nos: LT2219.PD.02 – Proposed Plans and Elevations, LT2219.04.01 – Existing Plans and Elevations, LT2219.00.01 – Site Location Plan.

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.