

Delegated Decision Report

Application No:	26/0151	Statutory Period Expires:	22nd May 2026
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Site:	31 Wavell Drive Newport NP20 6QN		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SINGLE STOREY REAR EXTENSION		
Applicant:	M Doherty		
Type:	Lawful Development Proposed	Ward:	Malpas
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 31 Wavell Drive is a two-storey detached dwelling located in the Malpas ward.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to remove the existing conservatory which measures 3.4m in depth, 3.6m in width, 2.1m to the eaves and 2.7m to the top of the hipped roof and erect a single storey flat roof rear extension, measuring 3.95m in depth, 4m in depth, 7m in width, 2.6m to the underside of eaves, 2.8m to the top of the flat roof and 3m to the top of the proposed rooflight. Externally, the extension would be red brick to match the host dwelling. Fenestration would consist of 1no set of bifold doors on the rear elevation and 2no rooflights.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 NA

6. CONSULTATION RESPONSES

6.1 N/A

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 This application seeks to confirm, by means of a Lawful Development Certificate that a single storey rear extension at 31 Wavell Drive 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 and would not exceed 4m in height. The eaves height, measured from the ground, is below 3m and the materials will match the existing dwelling.

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 A 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 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 25-2403-DWG-01 - Site Location Plan, 25-2403-DWG-02 - Existing/Proposed Floor/Site/Roof Plans and Elevations.

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.