

Delegated Decision Report

Application No:	24/0821	Statutory Period Expires:	11th March 2025
------------------------	---------	----------------------------------	-----------------

Site:	<i>584 Malpas Road Newport NP20 6QA</i>		
Proposal:	<i>PART TWO STOREY PART SINGLE STOREY REAR EXTENSION AND EXTERNAL ALTERATIONS TO EXISTING DWELLING</i>		
Applicant:	<i>A Davies</i>		
Type:	Full	Ward:	Malpas
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 584 Malpas Road (A4051) is a two-storey semi-detached dwelling located within the Malpas ward, Newport. The site is within the defined settlement boundary as identified by Policy SP5 of the Newport Local Development Plan 2011 – 2026 and as shown on the associated proposals map. The surrounding area is predominantly characterised by residential dwellings, although Rougemont School is located on the adjacent side of the A4051 principal classified highway, to the northwest of the property.

2.2 The property benefits from a generous rear and front garden with multiple in-line off-road parking spaces along the side boundary of the curtilage. Externally, the feature gable on the front elevation is finished in random natural facing stonework, and the remaining elevations are finished in smooth facing red clay brickwork at ground floor level and an off-white roughcast render at first floor level, although the side elevation is finished entirely in red brick. The design incorporates a side gable end which creates an intersecting gable roof form, finished entirely in red clay roof pantiles. The property currently benefits from a single-storey extension with a flat roof on the rear which serves as a conservatory.

2.3 The site and neighbouring properties along Malpas Road are set well back from the highway and display a varied mix of architectural style and boundary treatments. Due to the lack of architectural consistency along Malpas Road there is no uniform building line. There is a generous interval between no. 584 and no.586 and the properties are dissected by a single-track lane which provides access and egress to 'The Hideaway/ 584A Malpas Road' and 4no garages located to the rear of the curtilage.

3. DESCRIPTION OF DEVELOPMENT

3.1 A two storey extension is proposed, measuring 3.7m in depth extending from the eastern (rear) elevation, 4.7m in width, 9m to the ridge of the gable roof and 4.9m to the eaves. At ground floor level, the extension will accommodate a kitchen and at the first-floor level, it will accommodate a principal bedroom and en suite. The extension would be finished in smooth EWI coloured render in an off-white shade to match the existing dwelling.

3.2 A single storey extension is also proposed, measuring 3.7m in depth extending from the rear elevation, 4.3m in width, 2.6m to the top of the proposed flat roof, 2.5m to the eaves and 3.4m to the ridge of the proposed lantern style roof light. The extension would be finished in smooth coloured render in an off-white shade to match the existing dwelling.

3.3 External alterations including the installation of 2no upper storey windows in the side elevation of the existing dwelling is proposed. 1no of the proposed windows would serve an en-suite and 1no window would serve a family bathroom.

3.4 Fenestration proposed as part of the extension would consist of 1no. lantern style roof light above the single storey extension, 2no. sets of bifold doors at ground level to serve the enlarged kitchen/dining room, 1no. first floor level window in the side elevation and 1no. set of patio doors with a glass Juliet balcony on the rear elevation at first floor level.

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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP4 – Highways and Accessibility states that Development proposals should: i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance; ii) be accessible by a choice of means of transport; iii) be designed to avoid or reduce transport severance, noise and air pollution; iv) make adequate provision for car parking and cycle storage; v) provide suitable and safe access arrangements; vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance; vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

Policy GP5 – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

HOUSE EXTENSIONS AND DOMESTIC OUTBUILDINGS (ADOPTED JANUARY 2020)

6. CONSULTATION RESPONSES

6.1 DWR CYMRU

No objection

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

6.2 HIGHWAYS OFFICER
No objection
The proposals would have no impact on parking requirements or provision. There are therefore no highway related objections.

6.3 TREE OFFICER
Initial response
Tree/hedge information including Root Protection Area (RPAs) must be consistent across all layout plans.
Details of Suds areas and swales etc should be shown as above (if required).

Final response
No objection.

7. PUBLIC REPRESENTATIONS

7.1 NEIGHBOURS: 3no neighbours were consulted. 2no comments received to date.

Oaklands Farm, 586 Malpas Road.

We have a minor concern that the extension may affect the reception of our TV Freesat satellite dish; our property is an old cottage and is quite low so it would be difficult to raise it any higher. We will discuss with the applicant should a problem arise.

19 Arlington Close

I have a concern regarding the two storey.

The proposed first floor master bedroom double doors/Juliet balcony that will be extended out a further 3695 would be in line with a bedroom window of my property.

I feel this would compromise the privacy of myself & my family greatly.

I have attended the property to discuss my concerns but have been unable to speak with the owner unfortunately.

8. ASSESSMENT

8.1 **Visual Amenity/ Character and Appearance;**

The House Extensions and Domestic Outbuildings Supplementary Planning Guidance states that wherever possible, extensions should be built on the rear or least important elevations of properties and the size and form should be appropriate to the main building and the space around it. An adequate area of garden space would be retained, and the size and form of the extension are appropriate in the context of Malpas Road. The extension would be built on the rear elevation and would therefore not be highly visible from the public realm, albeit the extension would be visible from the single-track lane which borders the rear garden. Nevertheless, the rear elevation remains the least prominent elevation, and the extension is therefore appropriately sited.

8.2 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance states that, in most cases, two-storey rear extensions should not be more than 3.00 metres deep, but each application will be considered on its own merits. The proposed extension would project 3.7m beyond the rear elevation which exceeds the 3m threshold however it is acknowledged that there is a gable end projection at the adjoining property (no.582 Malpas Road) which also projects 3.7m, so the proposed two-storey extension would restore symmetry to the rear elevation of the pair of semi-detached homes. With regard to the above, it is considered that a 3.7m projection is acceptable in this instance.

8.3 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states that, in general, an extension should adopt the roof form of the existing building, replicating its pitch and architectural detailing (including external materials). The two-storey rear extension would replicate the gable roof form and architectural pitch of the host dwelling, and the external materials would match the existing. No set down has been proposed in this instance however it is considered that the introduction of a set down would create an awkward roof form which would detract from the original character of the property. Allied to this, no set down can be observed at the adjoining property (no.582) and the proposed extension in its current form would partially restore symmetry on the rear elevation. With regard to the above, deviance from the House

Extensions and Domestic Outbuildings SPG is considered acceptable and no set down is justified in this instance.

8.4 The House Extensions and Domestic Outbuildings SPG states that single-storey extensions may be constructed on side boundaries in certain circumstances, but householders will need some space in which to undertake maintenance. Eaves and guttering, moreover, should not project into a neighbour's property. The property currently benefits from a single storey rear extension which adjoins to the neighbouring rear extension. It is proposed to remove the existing single storey extension within the curtilage of no.584 and replace it with an extension of a similar ilk. The extension would be constructed against the shared boundary with no.582 which does not allow space to undertake maintenance however it is acknowledged that there is no space to undertake maintenance as existing and therefore, it would be unreasonable to refuse the extension based on the above and deviation from the SPG is considered justified in this instance.

8.5 **Residential Amenity:**

The House Extensions and Domestic Outbuildings SPG states that 'A house extension (or a domestic outbuilding) should not substantially reduce natural light (whether direct or diffuse), privacy or perceived space in neighbours' habitable rooms and back gardens.' and sets out tests to help protect light in neighbouring habitable rooms. The 45-degree test is applicable where an extension from an existing building line affects a protected window. Applications that fail the 45-degree may be refused. The adjoining property (no.582) has protected windows at ground level on the rear elevation and protected windows at first floor level on the side elevation of the rear projection. As such, the 45-degree test was conducted to assess the impact to the level of daylight reaching the window. The proposed extension at no.584 would pass both 45-degree tests (plan view and elevation view) from the ground floor and first floor protected windows on the rear elevation of no.582 Malpas Road. This demonstrates that the proposed extension would not significantly reduce the level of daylight reaching the habitable rooms at no.582. The consideration here, is not only the impact to daylight, but the overbearing impact of the development.

8.6 As forementioned, there are 2no. existing protected windows in the side elevation of the rear projection at no.582. While it is acknowledged that the existing neighbouring windows would be adjacent to the proposed extension and therefore some natural light may be diffused, the increased height and massing of the extension would not significantly worsen the impact over and above the existing situation. Moreover, it is believed that mitigation is offered by the presence of a secondary windows on the rear elevation of the projection, so the level of direct light serving the room would not be substantially reduced. This is demonstrated by the proposed extension passing the 45-degree natural light test.

8.7 With regard to the above, it is considered that the proposed first floor extension would not have a detrimental effect on the level of direct light reaching the neighbouring property and is not substantially more harmful than the impact caused by the existing layout. The extension is therefore compliant with Policy GP2 (General Amenity) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

8.8 In order to prevent perceived overbearing effects, development must be a suitable size, of appropriate massing and in an appropriate location in proximity to a boundary. The two-storey element of the extension is set in 4.3m from the nearest boundary and is considered to be of appropriate massing in relation to the host dwelling. Allied to this, there would be a 12m separation distance between the proposed side elevation of no.584 and the existing side elevation of no.586 at its closest point so it is not anticipated that the extension would appear unduly dominant in relation to the neighbouring amenity of no.586 Malpas Road. As forementioned, the single storey rear extension would run along the shared boundary with no.582 Malpas Road, albeit the extension is considered to be appropriately scaled in relation to the host dwelling and it is not uncommon for a single storey extension to approach the boundary in a pair of semi-detached homes. Furthermore, the fall-back position of what can be achieved without the need for planning permission under the provision of the General Permitted Development Order (Wales) has been given weight in the assessment of this application. Both a single storey rear extension and a 2M high boundary treatment can be erected at will, therefore any impact in respect of overbearing is not considered to be of an unacceptable level. With regard to the above, it is considered

that the proposed extension would not adversely affect neighbouring residential amenity by means of overbearing and the proposal accords with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

- 8.9 Regarding the proposed fenestration, the House Extensions and Domestic Outbuildings SPG states that windows in an extension must be positioned carefully. Upper storey side windows, which look directly across to a neighbour's property or garden, should generally be avoided and preference will be for their omission. 1no window is proposed in the side elevation of the proposed extension at first floor level to serve a master bedroom, in addition to 2no additional windows proposed in the side elevation of the existing dwelling. Both windows proposed in the existing side elevation would serve en-suite/shower rooms so it is considered that mitigation can be offered by obscure glazing which can be controlled through a suitably worded planning condition. It is understood that the rear extension would result in the loss of all existing bathroom windows so there is a justified need to install windows in the side elevation in this instance. With regard to the window proposed in the side elevation of the extension, regard has been given to the 16m separation distance between the side elevation of no.584 and the amenity space of no.586 and mitigation offered by the presence of an access lane between the properties. Given the significant separation distance and established layout, it is unlikely that the window would adversely affect the privacy of no.586 as the window would not allow unacceptable levels of overlooking and deviation from the SPG is considered acceptable in this instance.
- 8.10 It is acknowledged that privacy concerns have been raised regarding the fenestration on the rear elevation of the two-storey extension, namely the double doors and glazed Juliet balcony at first floor level however a 48m separation distance would remain between the rear elevation of no.19 Arlington Close and the application property. Allied to this, there is dense vegetation along the rear boundary which helps to partially screen views towards the rear gardens of Arlington Close and the view afforded by the proposed doors could largely be achieved through an existing rear elevation window so the windows would not allow for an unacceptable level of overlooking.
- 8.11 Also on the rear elevation, 2no. sets of bifold doors are proposed at ground level. The glazed doors would provide views towards the generous rear garden of the application property and would not go beyond what can already be achieved through the existing rear elevation windows. Therefore, it is not anticipated that the windows would adversely affect neighbouring residential amenity by means of a loss of privacy and the proposal accords with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 8.12 **Highways Safety:**
The proposal includes 1no additional bedroom, increasing the total number of bedrooms to 4no. To comply with the Council's adopted Parking Standards, the property is required to provide 3no off-street car parking spaces at present, and the increased number of beds does not require any increase in parking to comply with policy and therefore there are no highway related objections.
- 8.13 **Biodiversity:**
Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. 2no Schwegler sparrow terrace box 3 bays from woodcrete material are proposed on the side and rear elevations at first floor level and the implementation of this scheme can be secured through a suitably worded planning condition. As such the proposal is compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).
- 8.14 **Landscaping/ Trees:**
The Council's Tree Officer initially requested full tree information was submitted in accordance with BS5837:2012 Root Protection Area. Tree information undertaken by a bona fide Tree consultant has since been submitted and the Council's Tree Officer raises no objection to the development.

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 There would not be an adverse impact on residential amenity, nor the character/appearance of the area as a result of the development. The proposal complies with the relevant design guidance set out in the House Extensions and Domestic Outbuildings SPG

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

- PL02A House as Proposed
- 584 Malpas Road TCP -TPP

- BS5837 Tree Information

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

02 The materials to be used in the construction of all external surfaces of the extension shall match those used in the existing building in colour, texture and material and shall be applied prior to the first beneficial use of the extension hereby permitted.

Reason: To ensure a proper standard of development and appearance in accordance with Policy GP2 and GP6 of the NLDP.

03 At the time of installation, the 2no windows serving the en suite and bathroom at first floor level in the northern (side) elevation of development hereby approved shall be obscure glazed to a minimum Level 4 on the Pilkington Glass Obscurity Level and shall be retained as such for the lifetime of development.

Reason: In the interests of the privacy and amenity of the occupants of the property and neighbouring occupants and in accordance with Policy GP2 of the NLDP.

04 No additional window/door openings shall be installed in the northern (side) elevation of the extension hereby approved.

Reason: In the interests of privacy of neighbours, in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2025 (Adopted January 2015).

05 Prior to the first beneficial occupation of the extension hereby permitted, the biodiversity enhancement scheme shall be implemented in accordance with the details set out in 'PL02 House as Proposed' and be retained as such thereafter for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

06 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

07 No development, to include demolition shall commence until temporary Tree Protection Fencing (in accordance with BS 5837:2012) has been erected around the tree's rooting areas. The fencing shall be retained intact for the duration of the development.

Reason: In the interests of the health and longevity of the trees and preserving its amenity value, in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2025 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, PL01 House as Existing, PL02A House as Proposed, 584 Malpas Road TCP – TPP, BS5837 Tree Information.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5 and GP6 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.

04 Please note that it is the homeowner's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether any consent is required for your proposed works. Prior to commencing works, we recommend you review the information and guidance on Building Over Sewers available on Welsh Water's website at <https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>.

05 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

06 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

07 In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency