

Delegated Decision Report

Application No:	25/0847	Statutory Period Expires:	19th January 2026
------------------------	----------------	----------------------------------	--------------------------

Site:	32 Edward VII Avenue Newport NP20 4NG		
Proposal:	PROPOSED RAISED TERRACE TO REAR ELEVATION		
Applicant:	R LaValle		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The property currently benefits from an existing raised rear deck/terrace. The Local Planning Authority have no record of consent being granted for the existing terrace however from a desktop survey the decking appears to be lawful through the passage of time and therefore immune from Planning Enforcement Action.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a 2 storey semi-detached dwelling located on the northern side of Edward VII Avenue within the Allt-yr-Yn ward. The application site is within the defined settlement boundary as shown on the proposals maps that accompany the Newport Local Development Plan and is within a residential area.
- 2.2 The topography of the area reduces to the north, resulting in the dwelling being elevated above the rear garden area which declines towards the rear boundary, steps provide access to the garden from the existing side access and decking.
- 2.3 Two Trees covered by Tree Protection Orders (TPO) are located within the rear of the site; 4/96 T1 Sycamore and 6/82 T8 Lime.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 It is proposed to erect a raised terrace to the rear elevation. It would measure 8.2m in width, and project 5.72m from the property's rear elevation. Glazed balustrades would encompass the raised terrace and steps would be incorporated to allow side access to the garden. The height of the terrace, including the proposed glass balustrade, would be 2.4m. The raised terrace would be 1.5m from the side boundary with no. 30 and 3.5m from the boundary with no. 34. Additionally, a 1.8m privacy screen would be erected on the side of terrace closest to the boundary shared with no.30.

The base of the terrace would be brick with two proposed roller doors for access to the storage area below. This would measure 1.55m in height.

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)

Policy GP4 (Highways and Accessibility)

Policy GP6 (Quality of Design)

5.4 SUPPLEMENTARY PLANNING GUIDANCE HOUSE EXTENSION AND DOMESTIC OUTBUILDINGS

6. CONSULTATION RESPONSES

- 6.1 Tree Officer: *Regarding the application the development regarding trees in principle is acceptable, however they will need to demonstrate that they will not impact trees during the development process. Weather that be directly or indirectly via material storage etc.*

Therefore, we would ask that they submit a tree protection plan compliant to BS5837:2012 by a competent and qualified tree consultant.

A list can be requested from Newport City Councils tree team or found on the Arboricultural Association website; they do not have to be on either list but may make life quicker finding one.

7. PUBLIC REPRESENTATIONS

- 7.1 Neighbour and Ward member notification letters were sent on 25.11.2025. One representation has been received from the public consultation objecting to the proposed development due to the impact upon the living conditions of the neighbouring occupiers raising issue that the development would be constructed too close to the common boundary.

8. ASSESSMENT

8.1.2 Principle of Development:

The application site comprises of an existing residential dwelling within the defined settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. As the property is existing there is a presumption in favour of development incidental to the enjoyment of the dwellinghouse, accordingly, no objection is raised to the principle of development.

8.2 Visual Amenity/ Character and Appearance;

- 8.2.1 The adopted House Holder SPG states that raised terraces should be appropriate in size and scale to the host dwelling and the space around it. Accordingly, the raised terrace is positioned to the rear of the property, and would not be overly obtrusive nor would it result in any unacceptable visual impact that would prejudice the amenity or character of the existing dwelling or wider area. It is noted that multiple dwellings along Edward VII Avenue benefit from similar raised platforms and balconies, therefore, the proposal would not be uncharacteristic of the pattern of development within the area. Furthermore, although the balcony/ raised platform may be partly visible from the public realm/the amenity spaces of neighbouring properties, its scale, form and finish is considered to be acceptable and as a result offers no implications towards visual amenity and character of the area.

- 8.2.2 The external finish of the development as proposed is considered to be acceptable within the context of the application site.

8.3 **Residential Amenity:**

8.3.1 The House Extensions and Domestic Outbuildings SPG (Adopted January 2020) states that:

'A raised amenity space that substantially reduces natural light, perceived space of privacy in neighbouring habitable rooms or back gardens will not be acceptable.'

The proposed raised terrace will not increase in height from the existing decking which measures 2.78m in height. Whilst the terrace will extend across the width of the house it is not considered that the proposed development will result in a significantly greater level of overlooking relative to the existing situation afforded by the existing decking/terrace. The level of overlooking is considered to be mitigated sufficiently by the proposal of a privacy screen. Accordingly, the proposed development is considered to be acceptable avoiding any unacceptable impact in respect of overbearing or overlooking impact. However, it is considered to be necessary to condition that the privacy screen is implemented prior to the balcony coming into beneficial use and to be maintained as such as to avoid any unacceptable impact upon the living conditions of neighbouring occupiers.

8.3.2 It is noted that an objection has been received from a neighbouring occupiers raising concern due to the proximity of the development to the common boundary, it is considered that any impact is suitably mitigated for by the privacy screen as proposed. The objection is therefore given limited weight in the assessment of this application especially considered against the impact as felt by the existing development.

8.4 **Biodiversity:**

8.4.1 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. A biodiversity enhancement has not been included in the proposed plans; therefore, this will be conditioned below.

8.4.2 As there are x2 trees located within the site covered by TPO's The Council's Tree Team have requested that a tree protection Plan be submitted to the Local authority prior to the commencement of development. As the trees are located a sufficient distance from the development site and due to the small scale of the development it is not considered that the details need to be submitted for approval by the Local Planning Authority, instead it is considered sufficient to condition that the works are carried out in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.

8.5 **Response to third parties:**

In response to the comment received from public consultation, the scale, siting, and relationship of the development with the neighbouring properties has been considered in an earlier section of this report and is deemed to not prejudice the existing levels and therefore is deemed to be acceptable.

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 considered to be acceptable in respect of its visual impact, impact upon the amenity and character of the area, impact upon the living conditions of neighbouring occupier and is not considered to prejudice biodiversity interests within the area. No conflict has been identified with either Local or National Planning Policies, accordingly the application is recommended for approval subject to conditions.

11. **DECISION
GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: MPD-A-000 Site Location Plan & Block Plan, MPD-A-004 Proposed Side Elevations, MPD-A-003 Proposed Ground Floor Plan & Rear Elevation, MPD-A-002 Existing Side Elevations, MPD-A-001 Existing Ground Floor Plan & Rear Elevation.
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 Prior to the commencement of development, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be implemented in accordance with the approved plans prior to the first beneficial use of the development hereby approved. The location and details of these must be shown on relevant plans.

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

03 Prior to the first use of the decking/platform as hereby approved, a 1.8m high privacy screen shall be erected to the eastern boundary in accordance with the approved details and shall be permanently retained.

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

04 The development hereby approved shall be carried out in strict accordance with the requirements of BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.
Reason: To protect Trees within the site.

NOTE TO APPLICANT

01 This decision relates to plan Nos: MPD-A-001 Existing Ground Floor Plan & Rear Elevation, MPD-A-002 Existing Side Elevations, MPD-A-003 Proposed Ground Floor Plan & Rear Elevation, MPD-A-004 Proposed Side Elevations, MPD-A-000 Site Location Plan & Block Plan, MPD-A-004, MPD-A-003.

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