

Delegated Decision Report

Application No:	25/0684	Statutory Period Expires:	20th March 2026
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Site:	132 Western Avenue Newport NP20 3QX		
Proposal:	PROPOSED OUTBUILDING AND RAISED DECKING IN REAR GARDEN (PART RETROSPECTIVE)		
Applicant:	L Ahern		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	Granted with Conditions		

1. BACKGROUND

- 1.1 The application has been submitted as a result of an ongoing enforcement investigation, ref. 25/0174.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a semi-detached property located within the Allt-yr-Yn ward. The property is sited at the southern end of Western Avenue. The area is predominantly configured in pairs of semi-detached dwellings, situated within large plots with long gardens. The M4 is to the rear of the property.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks approval for the retention and completion of an outbuilding and raised decking. The outbuilding measures 2.6m in height, 8m in depth, and 7.3m in width. Materials include charcoal timber cladding, black crittal doors, and a rubber roof. A canopy extends from the outbuilding to cover the adjoining decked area. The outbuilding itself is positioned directly on top of the decking. Due to the sloping nature of the ground, the height of the decking varies, with a maximum height of 1.1m. The outbuilding and decked area are accessed by a set of steps.

4. RELEVANT SITE HISTORY

- 4.1 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)

- 5.3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- 5.4.1 The House Extensions and Domestic Outbuildings SPG is relevant to the determination of this application.

6. CONSULTATION RESPONSES

- 6.1 **Tree Team:** No response received.

- 6.2 **Welsh Water Dŵr Cymru:** After reviewing the submitted information we advise that the proposed development site is crossed by a 12 inch public sewer with the approximate positions being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs.

However, having regard to the submitted drawings it appears the proposed outbuilding would be situated within the required protection zone of the public sewer measured 3m either side of the pipe's centrelines. In the first instance, it is recommended that the developer carry out a survey to ascertain the location and depth of this sewer and establish its relationship to the proposed development. We kindly request the applicant contact our Plan and Protect team at developer.services@dwrwymru.com or 0800 917 2562 to discuss the proposed crossings further.

Alternatively, we recommend the proposed development is repositioned to accommodate for the required protection zone.

Therefore, for the reasons set out above, we offer a **HOLDING OBJECTION** and welcome further dialogue with the applicant.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 10.10.20, Site Notice was put up on 10.10.2025.

- 7.1 NEIGHBOURS: 5no. neighbours were consulted. 2no. representations were received. The comments are summarised as following:

- Concern is raised that the inaccuracy of the site plan could lead to incorrect assessment of fire safety risks
- No information has been provided on the building materials, which the objector considers essential for assessing fire safety due to the proximity to boundaries.
- Fire safety concerns are also raised regarding the log burner and flue, which are positioned close to surrounding trees and may pose a hazard in dry conditions.
- the outbuilding has not been constructed as shown on the submitted plans, noting it is elevated on ground screws rather than built from ground level.
- Concerns are raised regarding the height of the outbuilding and associated decking, causing overlooking and loss of privacy for neighbouring properties.
- The fencing around the decking is also highlighted as being significantly higher than indicated on plans and not following the natural slope of the land.
- potential impact on mature trees and queries whether any Tree Preservation Orders apply, requesting confirmation that appropriate assessments have been undertaken.
- Potential impact on bats, a formal bat survey due to legal protections for bats and their habitats.
- proximity of the outbuilding to a public sewer running along the back boundary, with uncertainty over whether Welsh Water approval has been obtained.
- The overall scale and appearance of the structure is described as excessive and out of keeping with the residential garden setting, likening it to the size of a bungalow.
- the development sets an undesirable precedent and suggests it may have been constructed without regard for planning rules.

8. ASSESSMENT

8.1 Principle of Development

- 8.1.1 The application site comprises an existing residential dwelling that is located within a settlement boundary as designated by the maps contained within the Newport Local

Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development is accepted.

8.2 Character and Appearance

- 8.2.1 The House Extensions and Domestic Outbuildings SPG does not favour extensions/outbuildings situated to the front of properties and instead, advises that they are erected in a back garden and, if possible, out of public sight. Accordingly, the outbuilding is sited to the rear of the dwelling. It is acknowledged that the outbuilding is large, however, a significant amount of garden is retained. The outbuilding is not visible from the public realm and would not have an impact on the character and appearance of the host dwelling or wider area.

8.3 Residential Amenity

- 8.3.1 Concerns have been raised regarding the scale of the outbuilding and its potential overbearing impact, as well as possible loss of privacy for the adjoining neighbour at 134 Western Avenue. While it is acknowledged that the outbuilding is large, the land level at No. 132 is higher than at No. 134, which makes the structure appear more prominent than it does at ground level. It is also noted that both properties benefit from substantial rear gardens. Aerial imagery indicates that the rear-most section of the gardens, where the outbuilding is located, is heavily screened by mature trees. This part of the garden is considered the least usable on both sites, and a significant proportion of the remaining garden would remain for use.

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. The application is accompanied by details of a nest box, affixed to the side of the container. Given the scale of development, this is deemed acceptable.
- 8.4.2 In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance.
- 8.4.3 There is an existing tree in close proximity to the development, and the decked area has been constructed around the trunk of the tree. The decked area is set at a raised level above the tree roots and as such it is not anticipated that there would be pressure on the roots of the tree. None of the trees are subject to a Tree Preservation order on site. No comments have been offered by the Tree Officer.
- 8.4.4 Concerns have been raised by neighbouring occupiers regarding the impact on potential bat activity in the area. Due to the scale and type of development proposed, it is not anticipated that there would be an impact on bats, however a suitably worded informative will be added to any consent regarding this.

8.5 Drainage

- 8.5.1 Concerns have been raised by a neighbouring occupier in relation to an asset that is sited within the rear garden. DCWW were consulted as statutory undertaker for the area noting that the site is crossed by a public sewer, with an approximate location provided on the associated plans. DCWW have issued a holding objection requested that additional investigation be undertaken to establish the exact location of their assets in relation to the development, or that the development is moved outside of the asset protection area. Whilst this concern is noted and has been considered in the assessment of this application it is not considered that the concern/holding objection is a suitable reason to withhold consent as such controls fall outside of the remit of the Town and Country Planning Act and if a build over agreement or other is needed that would need to be progressed via the appropriate legislative/consenting process. It is noted that works can occur within such locations on residential land without the need for planning consent which is why controls fall outside the T&CPA.

8.6 Response to Third Parties

- ***Concern is raised that the inaccuracy of the site plan could lead to incorrect assessment of fire safety risks***

It is noted that there is a narrow link extension between the main dwelling and garage that isn't shown on the plans, however this does not have any bearing on the assessment. Fire safety risk is not a material consideration and dealt with via Building Regulations.

- ***No information has been provided on the building materials, which the objector considers essential for assessing fire safety due to the proximity to boundaries.***

The materials include black wooden cladding and a rubber roof, which are considered acceptable within this context. As previously, fire safety is not a material consideration.

- ***The outbuilding has not been constructed as shown on the submitted plans, noting it is elevated on ground screws rather than built from ground level.***

The comments regarding deviations from the plans are noted. A site visit confirmed that the decking has been constructed on small posts, however this was not complete. What was constructed to date on site is considered acceptable and the deviation from the plans would not be a reason to withhold consent.

- ***Concerns are raised regarding the height of the outbuilding and associated decking, causing overlooking and loss of privacy for neighbouring properties.***

While the structure is large, the higher ground level at No. 132 makes it appear more prominent. Both properties have substantial rear gardens, and aerial imagery shows that the rear section, is heavily screened by mature trees. Additionally, a site visit conducted shows that there would be enough screening between properties when stood on the decked area.

- ***The fencing around the decking is also highlighted as being significantly higher than indicated on plans and not following the natural slope of the land.***

The fencing on the plans is shown to be following the sloping land. On site, not all was complete and a condition is added to ensure that the remaining construction is in accordance with the approved plans. The fence would minimise any potential for overlooking or privacy loss. It is noted that 134 is lower than no. 132, and as such the fence would appear higher, however it is not considered that the height would have a significant overbearing impact on the most rear garden space and would not be a reason to refuse the application.

- ***Potential impact on mature trees and queries whether any Tree Preservation Orders apply, requesting confirmation that appropriate assessments have been undertaken.***

It is not anticipated that there would be significant impact on trees as a result of the development. No tree preservation orders exist on site.

- ***Potential impact on bats, a formal bat survey due to legal protections for bats and their habitats.***

It is not anticipated that there would be a presence of bats on site given it's urban location. There would be no demolition of buildings or works to an existing property where bats would likely roost. An informative will be added that in the event that bats are found, that this is reported to NRW.

- ***proximity of the outbuilding to a public sewer running along the back boundary, with uncertainty over whether Welsh Water approval has been obtained.***

Whilst this concern is noted and has been considered in the assessment of this application it is not considered that the concern is a suitable reason to withhold consent as such controls fall outside of the remit of the Town and Country Planning Act (T&CPA) and if a build over agreement or other is needed that would need to be progressed via the appropriate legislative/consenting process. It is noted that works can occur within such locations on residential land without the need for planning consent which is why controls fall outside the T&CPA.

- ***The overall scale and appearance of the structure is described as excessive and out of keeping with the residential garden setting, likening it to the size of a bungalow.***

Whilst the outbuilding is large, a significant proportion of garden remains and is not considered disproportionate in relation to the garden. A condition will be added to ensure that the outbuilding is used ancillary to the host dwelling only.

- ***the development sets an undesirable precedent and suggests it may have been constructed without regard for planning rules.***

Whilst this is acknowledged, the purpose of this application is to regularise the unauthorised construction of the outbuilding. Any future outbuildings at other properties requiring a planning application would be subject to separate planning applications, each assessed on its own merits.

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 On balance, it is considered that the outbuilding would not have a significant detrimental impact on the residential amenity of neighbouring occupiers and would not detract from the character and appearance of the host property and surrounding area.

11. DECISION

Granted with Conditions

01 The development shall be implemented in accordance with the following plans and documents: 25-2378-DWG-02 – Proposed Plans, Elevations, Details & Section , 25-2378-DWG-01 - Site Location Plan

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 building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 132 Western Avenue

Reason: To ensure the building does not become an independent unit of residential accommodation, in accordance with policies SP13 and GP2 of the Newport Local Development Plan.

03 Within 3 months of the date of this decision, the biodiversity enhancement scheme as set out in plan no 25-2378-DWG-02 – Proposed Plans, Elevations, Details & Section shall be implemented and retained as such 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).

NOTE TO APPLICANT

01 This decision relates to the following plans and documents: Supporting letter 6 December 2024 FINAL, jw1025-111 - Proposed Garage Rev A, Green Infrastructure Statement, jw1025-160 – Location and Block Plan Rev A

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 The Council's Supplementary Planning Guidance – House Extensions and Domestic Outbuildings (January 2020) and Parking Standards (August 2015) was relevant to the determination of this application.

04 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.

05 Bats often roost in houses and other buildings and trees, and work on these buildings/trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/trees in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

05 Trees may support nesting birds at certain times of the year. The applicant is advised to avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.