

Delegated Decision Report

Application No:	26/0301	Statutory Expires:	Period	25th June 2026
Site:	30 Park Crescent Newport South Wales NP20 3AQ			
Proposal:	PROPOSED ALTERATION OF REAR SINGLE STOREY PITCHED ROOF TO A FLAT ROOF TO PROVIDE BALCONY ABOVE (RETROSPECTIVE)			
Applicant:	J Hanley			
Type:	Full	Ward:	Gaer	
Decision:	REFUSED			

1. BACKGROUND

- 1.1 This application is made retrospectively, with the works proposed having been completed and in situ.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site consists of a semi-detached property located at the head of a cul-de-sac in the Gaer ward of Newport. The site is located within the defined urban boundary but is not identified by any Proposals or Constraints within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 2.2 It is noted that the GII* Registered Historic Park & Garden of Tredegar Park is located to the north of the application site, approximately 40 metres away from the site's northern boundary.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application proposes the alteration of a rear single storey pitched roof to a flat roof to provide a balcony above. The application is made retrospectively.
- 3.2 The plans detail that prior to the development taking place, the application site included a rear single storey gable roof projection containing a kitchen, along with a single storey flat roof projection containing a conservatory. The rooms were divided from each other by an internal wall. Alterations have taken place to remove the internal wall and replace both roofs with one flat roof spanning across the entirety of the rear projection. The total height of the flat roof is approximately 2.9 metres.
- 3.3 In addition to the above, the Applicant has utilised the flat roof to create a roof top balcony above the ground floor kitchen. This is accessed from the first floor bedroom via double doors and is enclosed on all sides by a timber balustrade measuring approximately 1.2 metres in height. On the south eastern side of the roof top balcony, a timber trellis and privacy screen with planting has been erected. This extends an additional 600mm above the timber balustrade at its highest point.

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 Technical Advice Notes:

Technical Advice Note (TAN) 5: Nature Conservation and Planning

Technical Advice Note (TAN) 12: Design

Technical Advice Note (TAN) 24: The Historic Environment

5.4 Historic Environment (Wales) Act 2023

5.5 Newport Local Development Plan (2011 – 2026) (Adopted January 2015):

Policies GP2 (General Amenity), 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.

5.6 Supplementary Planning Guidance:

The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (adopted August 2015) is also relevant.

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer:

No concerns regarding setting impact upon the GII* Registered Historic Park & Garden of Tredegar Park by virtue of distance, scale and the intervening train line (with its associated tree cover).

I would note here that there is a duty to consult Welsh Government (Cadw) upon any development considered “likely to affect the site of a registered historic park or garden or its setting” (see Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012). In this case, I would contend that it does not.

7. PUBLIC REPRESENTATIONS

7.1 The application was advertised by direct neighbour notification letter and a site notice was displayed. One letter of objection was received from the adjoining neighbour. The objection is summarised as follows:

- The proposal conflicts with Policies GP2, GP6 and GP7 of the Newport Local Newport Local Development Plan and the relevant House Extensions and Domestic Outbuildings SPG.
- The proposal results in unacceptable overlooking of the adjoining rear garden and neighbouring bedroom window.
- The proposal results in harm to outlook and loss of daylight to the neighbouring bedroom window due to its position and height.
- The proposal results in unacceptable noise disturbance from first floor activity in close proximity to neighbouring habitable rooms.
- The proposal results in an overbearing impact upon the neighbouring property due to its scale, siting and relationship to the shared boundary.

8. ASSESSMENT

8.1 **Principle of Development:**

8.1.1 The application relates to development associated with an existing residential dwelling. There are no objections to the general principle of the development, subject to the material considerations below.

8.2 **Visual Amenity/Character and Appearance:**

8.2.1 The proposed development is contained to the rear of a semi-detached property in a well established residential area. There are no neighbours to the immediate rear of the application site and the site’s rear garden is private and well enclosed. In addition, the northern boundary

of the site is well screened from the surrounds by mature vegetation and the proposal is not readily visible from the front of the application site.

- 8.2.2 Notwithstanding this, significant views of the development are readily available from the adjoining property and it is considered that other nearby properties also have partial views of the proposed balcony structure. It is considered that this element of the development is poorly designed and appears as a dominant, incongruous feature when viewed from neighbouring properties. As such, the development is considered to result in harm to the character and appearance of the application site and immediate area and conflicts with Policy GP6 of the LDP.

8.3 **Residential Amenity:**

- 8.3.1 Policy GP2 of the LDP seeks, amongst other things, to ensure that development does not have a significant adverse impact on local amenity, including privacy and through overbearing effects.

- 8.3.2 The Council's House Extension and Domestic Outbuildings SPG sets out two 45° tests for natural light. The Plan-View 45° test is performed by drawing two notional lines at 45° angles from the centre of a protected window. In this case, the first floor rear window of No. 28 Park Crescent is a protected window as it serves a bedroom. The proposed development should not project beyond the nearest 45° line. It is considered that the proposed development very marginally fails this test in relation to the protected window. The second test for natural light is the Elevation-View 45° test. For this test, a notional line is drawn from the centre of a protected window at 45° to the horizontal. The proposed development should not project beyond the 45° degree line. It is considered that the proposed development would pass this test in relation to the first floor protected window of No.28.

- 8.3.3 Notwithstanding the above, the effects of the roof top balcony on the living conditions of the occupiers of the adjoining semi-detached dwelling must also be considered. The balcony area is formed on the roof top of a flat roof extension, which is approximately 2.9 metres above the ground level of the rear garden. It is located directly adjacent to the shared boundary with the adjoining semi detached property and spans across the full width of the rear of the host dwelling. Whilst some effort has been taken to minimise overlooking into the neighbour's property through the installation of a privacy screen, due to its overall height and position directly adjacent to the shared boundary the balcony provides clear and direct views of the neighbour's private rear garden from an elevated level.

- 8.3.4 Whilst a degree of mutual overlooking between properties can be expected in residential areas, it is considered that the rooftop balcony introduces overlooking that goes above and beyond what is considered reasonable. In addition, the proposed balcony is capable of being used intensively, with the impacts of such a development not previously experienced by the occupiers of the adjoining property. The balcony provides an area for sitting, standing, socialising and playing at an elevated height. Whilst these activities may be deemed normal within a residential garden, their impact is more profound at this elevated height and close proximity to the neighbour.

- 8.3.5 Furthermore, when within the rear garden of the adjoining property, the rooftop balcony appears unduly dominant and overbearing. Even when not in use, the perception of overlooking is apparent. These factors result in material harm to the living conditions of neighbouring occupiers.

- 8.3.5 For the above reasons, it is considered the development, specifically the roof top balcony, has an unacceptable impact on the living conditions of neighbouring occupiers, by reason of both overbearing effect and overlooking. It therefore conflicts Policy GP2 of the NLDP (2011 – 2025).

8.6 **Biodiversity:**

- 8.6.1 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.

8.6.2 It is noted that the application has not been accompanied by a Green Infrastructure Statement or details of any scheme of biodiversity enhancement. Notwithstanding this, given the small scale of the development, it is considered that it would be acceptable to secure a proportionate biodiversity scheme via condition should planning permission be granted. As such the proposal could be compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

8.7 **The Historic Environment:**

8.7.1 As noted above, the application site is located approximately 40 metres south of the GII* Registered Historic Park & Garden of Tredegar Park. Consultation has been undertaken with the Council's Principal Heritage Officer who has advised that there are no concerns regarding the impact of the proposal on the setting of the historic asset by virtue of distance, scale and the intervening train line (with its associated tree cover). The Historic Environment (Wales) Act 2023 places a duty on Local Planning Authorities to preserve or enhance designated historic assets when considering planning applications. In this case, it is considered that the setting of the GII* Registered Historic Park & Garden of Tredegar Park would be preserved.

8.7.2 It is also noted that the LPA has a duty to consult Welsh Government (Cadw) upon any development considered '*likely to affect the site of a registered historic park or garden or its setting*' (see Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012). In this case, the Principal Heritage Officer has contended that the proposal would not affect the site or its setting and therefore consultation with Cadw has not been undertaken.

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 principle of the proposal is regarded as acceptable. Notwithstanding this, the proposal is considered to have an adverse impact on the character and appearance of the application site and the local area. In addition, the proposed rooftop balcony is considered to result in unacceptable harm to the living conditions of the occupiers of the neighbouring property. The harm identified is considered to warrant the application's refusal.

11. RECOMMENDATION

REFUSE

1. Due to its scale, design, siting, material finish and detailing, the roof top balcony appears as a dominant, incongruous feature within its context, which has an unacceptable adverse impact on the character and appearance of the application site and immediate area, contrary to Planning Policy Wales 12, Technical Advice Note 12: Design and Policy GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).
2. The development, specifically the roof top balcony, results in an unacceptable, unneighbourly and overbearing impact, and allows an unacceptable level of overlooking into the rear garden of the adjoining dwelling contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

- 01 The decision relates to the following plans and documents: Application Form, Proposed Drawings (PL 0001) and Existing Drawings (PL 0002).
- 02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5 and GP6 were relevant to the determination of this application.
- 03 The House Extensions and Domestic Outbuildings SPG (Adopted January 2020) 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.