

Delegated Decision Report

Application No:	25/0785	Statutory Period Expires:	23rd January 2026
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Site:	21 Fairoak Terrace Newport NP19 8FG		
Proposal:	SINGLE STOREY REAR EXTENSION (RETROSPECTIVE)		
Applicant:	T Miah		
Type:	Full	Ward:	Victoria
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 21 Fairoak Terrace is two-storey terraced dwelling located in the Victoria ward. The property benefits from an existing single storey rear extension which measures 9m in depth, 2.9m in width, 2.5m to the top of the flat roof and occupies the shared boundary with no.20 Fairoak Terrace.

2.2 To the rear of the property is a single-track lane which connects Duckpool Road to Maindee Parade. This lane provides a rear access to properties along Fairoak Terrace.

3. DESCRIPTION OF DEVELOPMENT

3.1 Retrospective planning permission is sought for a single storey rear extension, measuring 7m in depth, 2.6m in width, 2.3m in height to the eaves and a maximum height of 2.8m to top of the rear flat roof. The extension is finished in painted render in white to match the host dwelling, the roof is dark grey GRP, and all windows, doors, fascia boards and rainwater goods are white UPVC to match the existing.

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 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 None.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 07.11.2025.

7.1 NEIGHBOURS: 6no neighbours were consulted. 1no objection received to date.

22 Fairoak Terrace

I object to this planning application. The development has already been put up without any planning permission. The current building has been built over my rear garden wall with a window looking into my property and invading my privacy also restricting light into my kitchen. The building has been attached to my property which means I no longer have access to my external walls and plumbing. The building has been built over the waste manhole, meaning no future access for plumbing or draining issues. I also have concerns about the previous asbestos roof that has been cut up and disposed of which has left dust over the garden where my children play. Since the building has been built I have also experienced issues with drainage and plumbing.

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. The extension is significant in depth, albeit is appropriate in the context of Fairoak Terrace and an adequate area of garden space would be retained. The extension would be built on the rear elevation which is not visible from the public realm, and the extension is therefore appropriately sited.

8.2 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). A near flat roof has been built which does not comply with the guidance however a flat roof is not an uncommon feature for householder extensions and is acceptable in this context.

8.3 The proposed external walls of the extension are to be spa dash render and all windows, doors fascia boards and rainwater goods would be white UPVC to match the existing dwelling. This is therefore in line with the House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020).

8.4 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.22) has protected windows at ground level on the rear elevation. 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.21 would marginally fail the 45-degree test in plan view however, it would pass in elevation view. This demonstrates that the proposed extension would not significantly reduce the level of daylight reaching the habitable rooms at no.22 over and above the existing situation.

- 8.5 The neighbouring property (no.22) also has side facing windows in their existing rear extension which would face the proposed extension. As such, the 25-degree test was applied. The 25-degree test is conducted from the horizontal centre of a protected window, at a point two metres above ground level. A notional line is drawn at an angle of 25° to the horizontal. Any development that projects within this line is likely to interfere with the diffuse daylight available to the existing building. In such circumstances, planning permission may be refused. The proposed extension passed the 25-degree test when conducted from the neighbour's side facing window. This demonstrates that the proposed extension would not reduce the level of daylight reaching the habitable rooms at no.22. The consideration here, is not only the impact to daylight, but the overbearing impact of the development.
- 8.6 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 single storey extension would not be set off the boundary with no.22 Fair Oak Terrace however it is of appropriate massing in relation to the host dwelling. The extension projects 1.5m beyond the rear elevation of no.22 however given the limited height of the extension above the existing 2m boundary treatment and the result of the natural light tests, it is considered that the extension does 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). Whilst deep in plan, the neighbouring property also has an existing rear extension and therefore the projection of the proposal from the neighbour's extension is far more limited.
- 8.7 In terms of fenestration, no set of patio doors are installed on the rear elevation. The windows provide views toward the rear which overlooks the rear garden, a view which can already be achieved through the existing rear elevation windows at ground floor level. Therefore, it is considered that the windows do not 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).
- 8.8 It is acknowledged that concerns have been raised in relation to a window which faces neighbouring amenity at no.22 Fair Oak Terrace. A site visit has confirmed that there is currently a high-level window in situ on the northeastern (side) elevation. This window is not shown on the proposed plans. Following discussion with the applicant, it has been confirmed that this window is to be removed and bricked up/rendered and this will be secured via condition.
- 8.9 Other concerns relate to the lack of access to external walls, plumbing and drainage issues, and the disposal of hazardous waste material. In relation to access to external walls, the development is entirely within the boundary of no.21 and any access to the external walls/plumbing at no.22 would have been from the neighbouring garden. Therefore, it is considered that there is no loss of amenity at no.22. In relation to the drainage/plumbing issues, there is no cogent evidence before me to suggest that this is as a result of the development. Regarding the disposal of the previous asbestos roof, this is not within the control of the planning department and in any event, the works have been completed.
- 8.10 Concerns were also raised in relation to the development being built over the shared neighbouring garden wall however this is a civil matter which is within the remit of the Party Wall Act 1996 and not a planning consideration.
- 8.11 **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. No ecological enhancement is proposed as part of the development, however given the scale of development there is no reason why this could not be achieved through a suitably worded planning condition. As such the proposal is compliant with the aims of Policy GP5 of the NLDP 2011-2026

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 does not harm the visual or residential amenity of Fair Oak Terrace. A condition will be added to ensure the submission of a biodiversity enhancement. The proposal is in accordance with Policies GP2, GP5 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11. DECISION

GRANTED WITH CONDITIONS

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

- Site Location Plan
- 1021(02)25 Proposed Floor Layout, Elevations, Cross Section & Block Plan
- Proposed Floor 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 No window or door openings shall be formed in the northeast side elevation of the extension hereby approved without the prior written permission of the Local Planning Authority.

Reason: In the interests of protecting the residential amenity and privacy of the neighbouring property in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

03 The materials used to finish the external surfaces of the extension hereby permitted shall only be of materials that match the existing dwelling.

Reason: To ensure the development is completed in a manner compatible with its surroundings in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

04 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).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, 1021(01)25 Existing Floor Layout, Elevations and Site Location Plan, 1021(02)25 Proposed Floor Layout, Elevations, Cross Section & Block Plan, Existing Floor Plan, Proposed Floor Plan.

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 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.