



Appeal Decision

By Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19.01.2026

Appeal reference: CAS-04638-F0P6Z4

Site address: 10 Catalpa Close, Malpas, Newport, NP20 6JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Paul & Haley Gardiner against the decision of Newport City Council.
 - The application Ref 25/0584, dated 20 July 2025, was refused by notice dated 9 October 2025.
 - The development proposed is described as a “proposed garage conversion, front extension and alterations with raised deck to rear”.
 - A site visit was made by the Inspector on 9 December 2025.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the site address and development varies slightly between that stated on the planning application form and the Council’s decision notice. In regard to the site address I have used the former description as it more precise and for the description of the development I have used the latter as it is more accurate.

Main Issues

3. The main issues in this appeal are:
 - the proposal’s effect on the character and appearance of the area;
 - its effect on the living conditions of nearby residents with particular reference to loss of daylight; and,
 - highway safety.

Reasons

Character and Appearance

4. The appeal site is located off a cul-de sac within a residential estate in the Malpas area of Newport. The appeal dwelling is semi-detached in nature which reflects many other properties within wider estate and with its use of brick and tiled roof is of a contemporary

design and appearance that is replicated in many other properties locally, albeit there is variation i.e. terraced, semi-detached and detached. The Council do not appear to take issue with the proposed alterations to the rear of the property; neither do I. Contrary to the Council's assertions as stated in their second reason for refusal the proposed development would not have any significant effect in terms of visual amenity of the appeal property or the general street scene due to the variety of house types and associated extensions, with similar development evident in the general locality.

5. The proposal would be located forward of the front elevation of the dwelling, however, in purely visual terms the proposed extension due to extent of projection would not appear unduly at odds with development locally, particularly so as the design would incorporate materials/details to match the existing dwelling which aides' visual continuity. I note the Council refer the mock lean to roof of the front extension, and notwithstanding the advice in the Council's adopted Supplementary Planning guidance (SPG): House Extension and Domestic Outbuildings, to all intent and purposes the roof would appear to reflect the main roof of the property in terms of general pitch and appearance. The Council officer report refers to the proposal unbalancing the symmetry of the semi-detached pair to which the appeal property belongs, however, in visual terms the proposed front extension would be relatively modest and not appear unduly out of keeping with the property bearing in mind other properties within the street scene and the general area have extended to the front in one way or the other.
6. Drawing the threads of the above together, for the reasons given above, the proposed development would not have an unacceptable adverse effect on the visual amenities of the host property or the general area, and as a result would not be contrary to the character and appearance of the area, and policies GP2 and GP6 of the adopted Newport Local Development Plan (LDP) and advice as contained within the SPG, which collectively seek to safeguard visual amenity.

Living Conditions

7. The Council highlight the amenity of the adjacent property (No. 12) being detrimentally affected by proposal, namely, by way of being overbearing and unneighbourly due to the positioning of the extension forward of the existing building line in close proximity to a habitable room resulting in a loss of daylight. The Council's SPG includes a 45-degree guideline or, 'test' as it is more commonly known, for assessing the effect of an extension on daylight from neighbouring habitable rooms. In broad terms the SPG states that proposals should satisfy the guideline indicated and in that way safeguard natural light entering properties to protected windows such as that in the property adjacent to the proposal. In terms of the habitable rooms to the neighbouring property, the Council highlight that the extension would fail the 45-
8. degree test set out in the SPG. I appreciate that the 45-degree test as espoused in the Council's SPG is planning guidance and not policy, nonetheless it is a widely accepted method for assessing the impact of development and therefore is a material consideration in the context of this appeal and is applicable irrespective of the lack of objection from the adjacent property.
9. Contrary to the views of the appellant, due to the close proximity and overall depth of the extension projecting forward of the existing front elevation to the appeal property, it would create a dominating tunnelling effect, and result in significant detriment to the outlook of the adjoining occupiers from their ground floor patio doors and would create a substantial overbearing sense of enclosure. Also, due to the northerly orientation of the protected patio doors relative to the proposal, its impact is highly likely to result in a noticeable

diminution of daylight into the ground room of that dwelling, over and above that which currently exists with any such impact compounded by No. 12's existing front extension.

10. For the above reasons, I find that the proposed development would therefore have an adverse impact on adjacent living conditions and therefore runs contrary with policies GP2 and GP6 of the of the LDP and advice in the SPG which collectively seek to safeguard residential amenity.

Highway Safety

11. The Council's third reason for refusal refers to the proposal resulting in a loss of off-road parking at the appeal property to the detriment of other highway users. The Council maintain the area to the front of the proposed garage would result in a car overhanging the drive onto the public footpath. I note the appellant argues the existing garage is too small to be utilised; based on my site visit and the submitted details it appears to be large enough to accommodate a modest sized car.
12. The proposed development is likely to result in a loss of off-road parking and additional on road/footway parking on a relatively narrow residential street. The resultant on footway parking would be to the detriment of pedestrians who would likely have to utilise the road; this is detrimental to highway safety. Any potential overhanging of the footpath would only exacerbate matters. The Council highlight that there may be a possible solution in that additional parking may be added by widening the existing drive. Such works in conjunction with other works to the front garden to permit additional parking may well provide a solution, however those details are not before me and in the absence of those details, which due to the land levels are likely to result in significant works, it would not be appropriate to resolve this matter by condition in the event the appeal was allowed. I note reference is made to the issue of lack of provision of cycle or bin storage as a result of the proposed development, however, these issues whilst not determinative in this appeal, may well be resolvable, but those details are not before me.
13. Concluding on this issue, for the reasons given above, the proposed development would be detrimental to highway safety contrary to policy GP4 of the LDP.

Conclusion

14. Whilst I have found in favour on one of the Council's reasons for refusal, nonetheless for the reasons given above I considered the proposal would be detrimental to the living conditions and highway safety. Having regard to all other matters raised, I conclude that the appeal should be dismissed.
15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives.

Declan K Beggan

Inspector