



Appeal Decision

by T Leck BA (Hons) MSc

an Inspector appointed by the Welsh Ministers

Decision date: 23/07/2026

Appeal reference: CAS-05110-D7B6X5

Site address: 70 Orchard Street, St Julians, Newport NP19 7DL

- 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 A Gallivan against the decision of Newport City Council.
 - The application Ref 26/0120, dated 1 February 2026, was refused by notice dated 16 April 2026.
 - The development proposed is part two storey, part single storey rear extension and loft conversion with rear dormer.
 - A site visit was made on 13 July 2026.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of the occupants of 68 Orchard Street, with particular regard to light and outlook.

Reasons

Character and appearance

3. The appeal site is a mid-terrace dwelling, lying between 68 and 72 Orchard Street. The dwellings have narrow plots and share their design and appearance, as is common for terraces, with this consistency in form contributing to their character.
4. The Council acknowledges that the size and positioning of the dormer does not strictly adhere to its supplementary planning guidance on house extensions and domestic outbuildings (SPG), but having regard to comparable neighbouring dormers it considers that this element of the scheme would be acceptable. I concur with this assessment.
5. The two-storey element would project around 3.246m from the rear elevation, extend across the full width of the property and have a flat roof. Whilst only marginally deeper than advised in the SPG, when combined with its height, width and flat roof design, the proposal would create substantial bulk and massing, giving it a boxy appearance, particularly when viewed against the modest dwelling. Furthermore, the height of the flat roof would sit just above the eaves at odds with the existing pitch roof form. The proposal

would therefore introduce a visually dominant form of development that would be disproportionate in scale and design to the existing and neighbouring dwellings, failing to appear subordinate.

6. Whilst the proposed extension would be constructed with matching materials, due to its scale, massing and design, it would result in a significant addition that would dominate the rear of the existing property and would stand out as an incongruous feature from neighbouring gardens. I acknowledge that flat roofs have been incorporated in other developments in the terrace. However, they are single storey with limited height thereby reducing their visual prominence. Furthermore, although there would be no views from the public realm, the harm that I have identified would still exist and this would not be adequate justification for allowing poor design.
7. I therefore find that the development would result in harm to the character and appearance of the area, in conflict with Policies GP2 and GP6 of the Newport Local Development Plan (LDP) which seek to ensure good quality design and prevent detrimental impacts to the character or appearance of the area.

Living conditions

8. The Council has concluded that there is no unacceptable impact on the occupiers of No.72, and that the dormer roof and single storey element of the extension would not have an adverse impact on the living conditions of the occupiers of No. 68. I see no reason to disagree. As such, the primary consideration is the impact of the two-storey element of the extension on the occupiers of No. 68.
9. The height and depth of the extension would result in a large two-storey blank wall immediately adjacent to the common boundary with No. 68, and therefore close to both its ground floor window facing the proposed development, and patio doors on the north elevation. This would result in a visually enclosing and dominating impact for both rooms.
10. Given the rear aspect of the terrace is north-facing, there would be no significant loss of direct sunlight, and the flat roof would limit the impact of daylight loss to the first-floor windows of No. 68. I also observed that the properties have a close relationship with an existing degree of enclosure from the boundary treatments and existing projections. Nevertheless, the scale, height and siting of the extension would have a significant effect on the level of daylight reaching No. 68 at ground floor. I acknowledge that the Council does not provide evidence to clearly substantiate its contention that the proposal would breach the 45 degree rule as set out in the SPG. However, it is clear from my own observations and the available information that the height, scale and proximity of the extension would cause a material loss of daylight to the neighbouring ground floor rooms.
11. The neighbour has described the ground-floor patio door and window as serving habitable rooms. Even if, as the appellant suggests, these are not the occupiers' main living spaces, they are nonetheless habitable rooms that still contribute to the enjoyment of the property. The proposed extension would introduce a substantial built form close to both the window and patio door. This would materially reduce the outlook from rooms that currently face onto the garden and would lessen daylight, darkening the space within the rooms. The impact would therefore be significant, resulting in an enclosing and overbearing effect and a reduction in daylight in the associated rooms.
12. I conclude that the development would harm the living conditions of the occupiers of No. 68, and therefore conflicts with Policy GP2 of the LDP which amongst other things seeks to ensure development will not have a significant adverse effect on local amenity.

Other Matters

13. I have considered the appellant's list of other developments. However, these are in different streets and there is little evidence that any of these developments compare directly to the proposal before me or that they have had any influence on the context and character of this site to warrant the identified harm. I have therefore determined this appeal on its own merits.

Conclusion

14. For the above reasons, and having regard to all 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 one or more of the Welsh Ministers' well-being objectives.

T Leck

INSPECTOR