

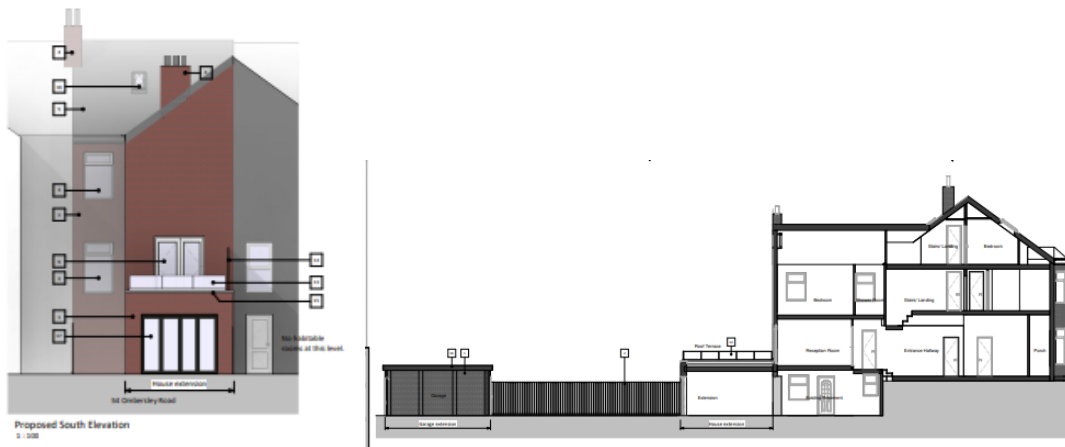
Delegated Decision Report

Application No:	25/0130	Statutory Period Expires:	2nd May 2025
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Site:	54 Ombersley Road Newport NP20 3EE		
Proposal:	VARIATION OF CONDITION 1 (PLANS) RELATING TO PLANNING PERMISSION 23/0537 FOR A REAR EXTENSION FOLLOWING REFUSAL OF APPLICATION 22/0274		
Applicant:	C Jones		
Type:	Renewals and Variation of Conditions	Ward:	Allt-yr-Yn
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Application 22/0274 was refused for the CONVERSION OF 2 FLATS TO SINGLE DWELLINGHOUSE WITH SINGLE STOREY REAR EXTENSION INCLUDING ROOF TERRACE AND CONSTRUCTION OF NEW GARAGE.

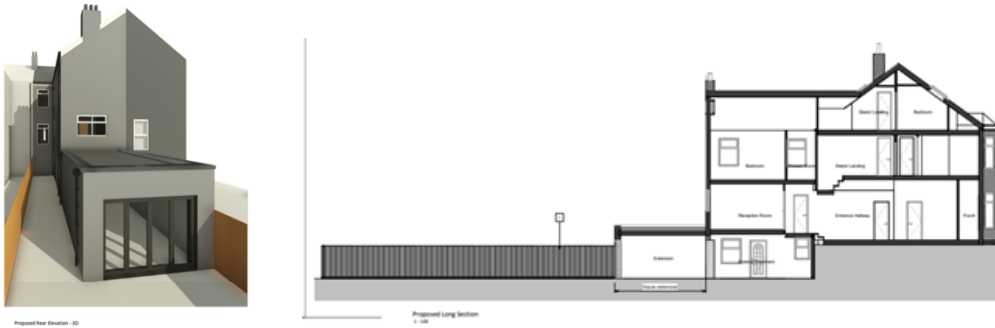


The reasons are as follows:

- The single storey rear extension by reason of the provision of the roof terrace would result in views into the rear window of 52 Ombersley Road and elevated views over neighbouring gardens resulting in a reduction of privacy afforded to existing and future occupants contrary to Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).*
- The proposed development would result in the loss of existing parking and the parking spaces proposed would not accord with the size requirements as set out within the Parking Standards Supplementary Planning Guidance contrary to Policy T4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).*
- The proposed development has insufficient information to determine if there is adequate turning space in order for vehicles to enter and leave the proposed garage contrary to Policy GP4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).*

The application was appealed and dismissed.

- 1.2 Application 23/0537 was granted with conditions for REAR EXTENSION FOLLOWING REFUSAL OF APPLICATION 22/0274.



2. SITE LOCATION AND CONTEXT

- 2.1 The host property is a terraced property and fronts onto Ombersley Road which whilst the rear elevation backs onto Ombersley Lane. The property is two storeys fronting onto Ombersley Road, and the rear elevation is three storeys where the land level decreases to the rear. The property is surrounded by residential properties and many properties hold rear parking/garden areas accessed off Ombersley Lane.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks an amendment to the approved plans under 23/0537. The application seeks alterations to increase the size of the approved rear extension by means of its height, width and depth.

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Width= 4.2m

Depth= 5.6m

Height= 3.3m

Parapet wall height: 0.85m

It is noted that a scheme for a garage was refused under 22/0274. On a site visit, it is confirmed that a garage has now been constructed on site and is suggested by the applicant that it is permitted development. However, this is not part of the submission, and its lawfulness will be assessed separately.

4. RELEVANT SITE HISTORY

23/0537	REAR EXTENSION FOLLOWING REFUSAL OF APPLICATION 22/0274	Granted with Conditions 17/08/2023
22/0274	CONVERSION OF 2 FLATS TO SINGLE DWELLINGHOUSE WITH SINGLE STOREY REAR EXTENSION INCLUDING ROOF TERRACE AND CONSTRUCTION OF NEW GARAGE	REFUSED Appeal: Dismissed
21/0781	EXISTING LAWFUL DEVELOPMENT CERTIFICATE FOR THE SUBDIVISION OF SINGLE RESIDENTIAL UNIT INTO 2NO. RESIDENTIAL FLATS	ISSUED 30/09/2021
21/0780	EXISTING LAWFUL DEVELOPMENT CERTIFICATE FOR THE SUBDIVISION OF SINGLE RESIDENTIAL UNIT INTO 2NO. RESIDENTIAL FLATS	WITHDRAWN

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)

GP2 (General Amenity)
GP4 (Highways and Accessibility)
GP5 (Natural Environment)
GP6 (Quality of Design)

5.4 SUPPLEMENTARY PLANNING GUIDANCE

6. CONSULTATION RESPONSES

6.1 Local Highways Authority:

Enlarged extension: No objection.

Garage: Not supported on highway safety grounds.

Notwithstanding that the garage is described as permitted development, it cannot be supported by Highways due to the lack of visibility exiting the garage and exiting Ombersley Lane. These issues would justify a formal objection, however we note that there are several similar garages/drives already using this lane.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 27/02/2025.

7.1 NEIGHBOURS: 14 no. neighbours were consulted. No comments received.

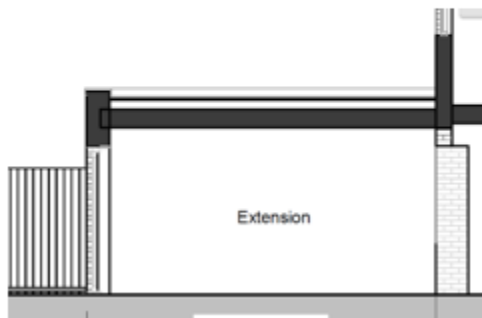
8. ASSESSMENT

8.1 Principle of Development

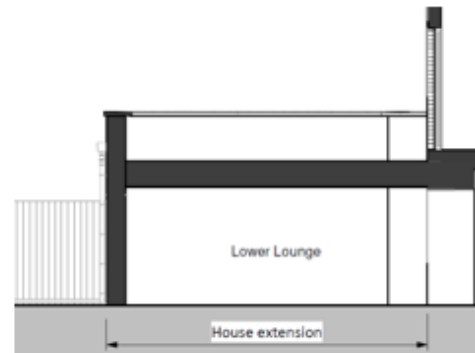
The application seeks retrospective approval for the enlargement of an extension to the rear of a residential building defined within the settlement boundary. There is a presumption in favour of development within the settlement boundary and in principle this is acceptable, however, further considerations are discussed below.

8.2 When assessing the changes to the built extension between the previously approved development under 23/0537, it is considered that the overall size of the extension has been constructed larger in height, depth and width and a comparison is outlined below. The parapet wall has also been constructed taller than that previously approved. The extension has been rendered rather than constructed in red brick. Moreover, a larger window has been implemented at first floor level rather than a standard window which had been approved. An assessment of the built development is assessed below.

Previously approved rear extension under 23/0537:
 Width= 3.8m
 Depth= 5m
 Total Height=2.9m
 Parapet wall height: 0.3m



25/0130
 Width= 4.2m
 Depth= 5.6m
 Total Height= 3.3m
 Parapet wall height: 0.85m



8.3 Visual Amenity/ Character and Appearance

The House Extensions and Outbuildings SPG states that '*Wherever possible, extensions should be built on the rear or least important elevations of properties... an extension should adopt the roof form of its parent building*'. The extension is located to the rear of the dwelling. The host dwelling shares a gable roof with the neighbouring property, but the rear extension has been constructed with a flat roof as approved under (23/0537). The smaller approved extension under 23/0537 was previously deemed acceptable due to the lack of bulking and sympathetic matching materials. On assessment of what has been built under this submission, it is considered that the extension does appear bulkier. However, consideration is given to the fact that the extension has only been built 0.4m higher than the previously approved scheme, and 0.4m does not cause a demonstrable visual impact over the approved scheme. The flat roof reduces the scope of its prominence and therefore, does not warrant a refusal in this instance.

- 8.4 Moreover, when considering the scale of the extension The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 Part 1 Class A suggests that a single storey extension cannot exceed 4m in depth and 4m in height. This would suggest that the height is within permitted development, but the depth is 1.5m out. The additional 1.5m on the depth does not pose a detrimental impact to the amenity of the area compared to the 4m which the extension would be allowed under permitted development. Therefore, although bulky, the scale and form could be deemed appropriate.
- 8.5 In terms of materials, the extension has been rendered rather than constructed in brick. Whilst this is not sympathetic to the main dwelling house, there are a mix of rendered/brick properties to the rear of Ombersley Road and it is not deemed unacceptable in its setting given the surrounding rendered properties.

- 8.6 Although the fence has not been outlined in the planning application, it has been detailed on the plans and constructed on site as shown below. The addition of the fence would help privacy to neighbouring properties. The fence on the plan would run down the boundary and is 1.8m in height.



- 8.7 A garage has also been constructed on site as shown above. This is not part of the application and will be evaluated separately.
- 8.8 On the West elevation of the main property, on the ground floor 1no. ground floor window and 1no. door is proposed to be removed and on the first floor 2no. windows are proposed to be removed and infilled with matching brick to the main property. These changes are deemed acceptable.
- 8.9 **Residential Amenity**
The SPG also explains that development proposals that have a significant impact upon neighbouring properties are unlikely to be acceptable. When assessing the loss of light to neighbouring properties, the extension is located next to a door by 56 Ombersley Road, where it is confirmed in application 22/0274 by the agent that this does not serve a habitable room. It is considered that the development would be on the boundary of no.54 and no.56. The extension does appear bulky to the garden of no.56, however, as forementioned, the increase in height by 0.4m compared to the previously approved scheme would not cause a significantly worse impact. Additionally, given that the extension is constructed on the shared boundary, the loss of sun-light to the garden should be considered. The gardens to the rear of Ombersley Road are North facing and no.56 is situated to the West of the extension. Therefore, the extension would not likely block out significant sunlight to the property.
- 8.10 Given the shape of the garden, the proposed extension is sited 1m off the common boundary with 52 Ombersley Road at its closest point. It is noted that 52 Ombersley Road has been subdivided into flats. Therefore, the rear window on the lower ground floor at 52 Ombersley Road is likely to serve a habitable room. The proposed rear extension would breach a 45-degree line taken from the centre of this window in plan view, however, would not breach a 45-degree line when taken in elevation view. It is noted that an outbuilding is located in close proximity to this window. As the proposed extension would not breach both 45-degree tests, it is concluded the proposed extension would not result in a loss of daylight entering neighbouring properties. In terms of loss of sunlight to the garden, it is considered that no.52 is situated to the East of no.54. It is considered a presence of development is felt from the rear amenity space, however, as suggested, given that the development is built only 0.4m higher than permitted development, any loss of light

experienced in the rear amenity space would be marginal compared to the height constructed under permitted development.

- 8.11 When assessing further overlooking, it is considered that the extension has been built with a higher parapet wall on top measuring 0.85m. Whilst the applicant has suggested that the roof would not be used as a terrace, the structure appears to have scope to be used by residents. The applicant has implemented a long window in the opening and removed patio doors. 22/0274 proposed a roof terrace on the rear extension which was refused and appealed. The Inspector under appeal decision from 22/0274 states, *the proposed roof terrace would be significantly elevated above the neighbouring gardens, and with the low height and transparent nature of the glass balustrade on the northern and eastern sides, there would be commanding and invasive views over neighbouring gardens. Whilst higher level rear garden terraces are present beyond No. 36 further to the east, they do not form a defining characteristic of this site's immediate context. The proposed roof terrace would therefore provide a new raised and dominating viewpoint position from which to overlook neighbouring properties. This would significantly exacerbate the existing levels of overlooking, to the detriment of the living conditions of the occupants concerned. Owing to its proximity and elevation and having regard to the low height of the glass balustrade, the terrace would also enable views into the first floor west facing rear windows of No. 52.* It is considered that any scope for a roof terrace is unacceptable in this location and would allow direct views into no.52's and 56's windows. Moreover, since the appeal decision, further boundary treatments have been removed from the rear boundary line of Upton Road as shown below. The extension is more visible and prominent from the rear properties along Upton Road. If the extension is used for a roof terrace, direct views could also be afforded to the rear of the properties and gardens of Upton Road and would be unacceptable. A condition will be imposed to limit the use of the roof of the rear extension as a terrace/amenity space/garden to protect neighbouring residents' amenity in line with Policy GP2.

Planting along rear of Upton Road:



Removed planting along rear of Upton Road:



View from window at first floor level over rear extension:



- 8.12 The separation distance of the proposed rear extension would be approximately 34m to the rear building line of 77 and 79 Risca Road, and 16m to the rear amenity space. These distances are considered acceptable given the single storey height. As such, the extension is in accordance with policy GP2
- 8.13 **Movement**
The Highways Officer has been consulted on the application. Although the highways officer has objections to the garage, this is not part of the application and is not assessed under this application. The Highways Officer has no objections to the rear extension and would accord with Policy GP4.
- 8.14 **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 enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015). This can be secured via conditions.
- 8.15 PPW12 states in para 6.2.12 *A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.* In this instance given the scale of development, a GI statement isn't required.

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 In conclusion, it is considered that whilst the extension does appear more prominent and bulkier in its setting, the overall increase in scale to that previously approved would not cause a significant demonstrable harm. The change in materials to render would provide

a starker appearance, however, some of the surrounding properties also contain render and would not appear out of character. In terms of amenity, the extension would not cause loss of light to neighbouring windows. The extension shall not be used as a roof terrace and a condition will be imposed to stop its use to reduce overlooking to neighbouring properties. A biodiversity enhancement scheme has not been provided but can reasonably be secured via condition. Therefore, the scheme is granted with conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Revised PL-003_2_Proposed Drawings; Revised PL-002_1_Existing Drawings; Revised PL-001_1_ Site Location Plan and Block Plans; Proposed Drawings 23/0537; Old site photos prior to works.

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 Prior to the first beneficial use of the development hereby approved, 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 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).

03 At no time shall the flat roof of the extension hereby approved be used in any form as a balcony, roof terrace, storage area, sitting out area or similar amenity area.

Reason: To protect the privacy of occupiers of adjoining residential properties.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6 were relevant to the determination of this application.

02 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.