

Delegated Decision Report

Application No:	26/0312	Statutory Period Expires:	22nd June 2026
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Site:	<i>Iona Glasllwch Lane Newport NP20 3PU</i>		
Proposal:	<i>PROPOSED PORCH, SINGLE STOREY SIDE EXTENSION AND TWO STOREY REAR EXTENSION</i>		
Applicant:	<i>R Dyer</i>		
Type:	Full	Ward:	Rogerstone East
Decision:	REFUSED		

1. BACKGROUND

- 1.1 A planning application (24/0784) for a first floor extension and conversion of loft with replacement of existing roof structure was refused in 2025, as the proposed extensions and alterations were considered to be of poor quality design and would have been detrimental to the appearance of the host property and the visual amenities of the area. Additionally, the first floor extension, by reason of its proximity to the garden and dwelling at No.33 Glasllwch Lane would result in a loss of privacy to the occupiers of the property.
- 2.1 A second planning application was submitted (25/0192) for a first floor rear extension, alterations to front bay, and the rebuilding of a side extension. The planning application was refused by reason of its proximity to the garden at No.33 Glasllwch Lane as it would result in a loss of privacy that would be detrimental to the amenities of the occupiers of the property. Furthermore, it was considered that the development would have a significant adverse impact upon the interests of protected species (bats), and no information was provided to mitigate this objection. The refusal was considered at appeal (CAS-04558-D9J6Y2) and was dismissed. The reasons for the dismissal were due to the harmful impact on the living conditions of neighbouring property No. 33 Glasllwch Lane, and a harmful impact on biodiversity interests.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises a two storey, detached property located on the eastern side of Glasllwch Lane, a residential street within the Rogerstone East ward. The property occupies a substantial plot with the majority of the land being located forward of the dwelling. The property is built facing into the plot at an angle. The land level rises towards the east resulting in the dwelling occupying an elevated position relative to the road.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks permission for a single storey side extension, two storey rear extension and front porch.
- 3.2 The single storey side extension would accommodate a garage, utility room and small bathroom. It would measure 8.76m in depth, 3.33 in width, and 4.44 in maximum height. It would have a lean to roof.
- 3.3 The two storey rear extension which would measure 3.17m in depth, 9.65m in width, with a maximum height of 7.75m.

- 3.4 The porch would remain 2.27m in depth, however, would have an increased pitched measuring 3.6m in height.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
24/0784	FIRST FLOOR EXTENSION AND CONVERSION OF LOFT WITH REPLACEMENT OF EXISTING ROOF STRUCTURE	REFUSED
25/0192	FIRST FLOOR REAR EXTENSION, ALTERATIONS TO FRONT BAY AND REBUILDING OR LARGER SIDE EXTENSION	REFUSED

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)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

5.4 SUPPLEMENTARY PLANNING GUIDANCE HOUSE EXTENSIONS SUPPLEMENTARY PLANNING GUIDANCE

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: *No objections.*

6.2 Local Ecology Officer: *A bat survey needs to be submitted with this application.*

7. PUBLIC REPRESENTATIONS

7.1 Neighbour and Ward member notification letters were sent on 28.04.202

One objection has been received with the key points summarised below:

- 1) Loss of Privacy and Overlooking
- 2) Distances between rear bedroom windows
- 3) Size and Form
- 4) Ecology
- 5) Historical Properties

8. ASSESSMENT

8.1 Principle of Development

The property is located within the defined settlement boundary as shown on the proposals maps that accompany the Local Development Plan and is within a residential area, accordingly the proposal is acceptable in principle. The main considerations of this application are design and neighbouring amenity which are discussed further below.

8.2 Visual Amenity/ Character and Appearance

Although the application site is set back from the road and at a higher level, it is still readily visible within the public realm and therefore will have an impact upon the amenity and character of the area. The Council's House Extension SPG states that *The size of the extension should respect the scale of the original house in order to prevent it becoming an unduly obtrusive element in the design. This is particularly important in the case of two-storey extensions. Ideally, both single and two storey extensions should not extend to the full depth of the house.* The proposed rear extension is not set down from the ridge and therefore does not appear subordinate to the host dwelling. However, it is considered that this does not have an adverse effect on the property or the character of the area.

Additionally, the single storey side extension will be infilling an existing gap in the garden, and as such, it is considered that this would not negatively impact the visual amenity of the application site.

Furthermore, the Council's House Extension SPG states that *porches should be in scale and character with parent building, and that porches should be designed to integrate with the parent building utilising matching materials.* Whilst the proposed porch is considerably larger than the existing, it is considered that it is not overly obtrusive to the host dwelling and would not have an adverse effect on the character of the dwelling. The materials proposed would match that of the existing. Overall, no concern is raised in respect of the design, visual impact or impact upon the character of the area of the proposed development.

8.3 Residential Amenity

The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states: *In order to preserve residents' privacy in their homes, suitable separation distances must exist between new protected windows and the protected windows in neighbouring houses. Windows in an extension must therefore be positioned carefully. Upper storey side windows, which look directly across to your neighbour's property or garden, should generally be avoided and preference will be for their omission. In some cases, alternative designs of windows may mitigate adverse impacts associated with actual and perceived overlooking. The obscure glazing and fixing shut of windows is a last resort and will not be acceptable where they are the only or primary windows to habitable rooms.*

- 8.5 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) also states: *Where the principal windows of a proposed extension face the principal windows of a neighbouring property, there should be a minimum of 21 metres between principal windows to habitable rooms.*
- 8.6 The two recently refused applications relating to this property were refused, in part, due to their impact upon the living conditions of neighbouring occupiers arising from the scale of the development, limited set off the rear common boundary, position of windows which all contributed to an unacceptable impact upon the living conditions of neighbouring occupiers.
- 8.7 Furthermore, *In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens. In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house a new high level window in order to protect the amenity of neighbouring gardens. 5.9.3 HEDO 8.2 (Protected windows and adjacent gardens).*
- 8.8 The previous application was refused, in part, due to the distance between the proposed rear extension to the neighbouring property 33 Glasllwch View. This distance has not been altered. The distance from the first floor windows to the rear boundary would be approximately 7.27m. This is significantly less than the 10.00 meters the SPG suggests as an appropriate measurement for the distance to the rear boundary. It is acknowledged that the use of this room has been amended from the previous submission and would now be arranged as a bathroom with an obscurely glazed window instead of a bedroom. Whilst this would remove part of the concern in relation to the direct levels of overlooking from the development it would not overcome the overbearing or perceived overlooking and therefore still amounts to an unacceptable level of harm to the living conditions of neighbouring occupiers and is contrary to the guidance contained within the SPG.
- 8.9 Whilst there is high intervening vegetation on the boundary between Iona and 33 Glasllwch Lane, this is not protected and does not appear to be wholly within the control of the applicant/land owner and therefore can be removed at any point, and therefore cannot be relied upon to maintain the privacy of neighbours.
- 8.10 In the Inspector's report for the previous appeal, it states that:

Whilst the footprint of the development would remain largely unchanged, the proposal would bring the upper level of the dwelling closer to the shared boundary with no. 33. This would introduce two large habitable room windows at upper floor level with a limited separation distance from the shared boundary with no. 33. This, combined with the difference in ground levels, would result in these windows sitting at a similar level to parts of no. 33's garden, allowing close-range and direct views into the rear garden. This would result in intrusive and unacceptable overlooking, causing a harmful loss of privacy for the occupiers of that property. It is considered that as the approximate distance from the rear boundary to the neighbouring window is the same as the previous application, the Inspector's comments still remain in effect although to a lesser degree given the change to the proposed layout and obscurely glazed window. It is the view of the LPA that the proposal has not overcome the previously identified harm.

9. 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. The proposal retains existing garden area and incorporates opportunities for biodiversity enhancements including native planting. However, no information to establish a base line for ecology has been provided to support this application or to establish if the proposed biodiversity elements would be sufficient to result in a net benefit in accordance with Chapter 6 of PPW12.

- 8.8 The Council's Ecologist has been consulted on this application and has identified a need for a bat survey to support the proposed development. No survey has been submitted. The absence of the survey results in the LPA being unable to satisfy their statutory duty and ensure that a EPS would not be adversely impacted. This approach was confirmed within the previous appeal decision and formed part of the reason for the previous appeal being dismissed. No information has been provided to mitigate this objection in the form of a bat survey and biodiversity enhancements, contrary to Policies SP1, SP9 and GP5 of the Newport Local Development Plan.

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 It is considered that the extension to the rear of the dwelling would result in a loss of privacy to the neighbouring occupiers to the rear of the site, and a bat survey has not been provided.

11. **DECISION
REFUSED**

01 The first floor extension by reason of its proximity to the garden at No. 33 Glasllwch Lane would result in a loss of privacy to the detriment of the amenities of the occupiers of that property, which is contrary to Policy GP2 of the Local Development Plan for Newport 2011-2026 (adopted January 2015).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely the impact upon protected species and biodiversity (bats). No information has been provided to mitigate this objection in the form of a bat survey and biodiversity enhancements, contrary to Policies SP1, SP9 and GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

NOTE TO APPLICANT

- 01 This decision relates to plan Nos: SD980 P1 00 existing and proposed plans, SD980 P1 01 proposed plans and elevations, SD980 re 01 existing plans and elevations.
- 02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5, 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.