

# Report

## Planning Site Committee

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### Part 1

Date: 14 July 2022

**Subject** Planning Application Schedule – Site Visit

**Purpose** To make decisions on items presented on the attached Schedule.

**Author** Head of Regeneration, Investment and Housing

**Ward** As indicated on the schedule

**Summary** Attached is a Planning Application Schedule, detailing an application requiring a site visit, as recommended by Planning Committee on 6th July 2022. The Planning Site Sub-Committee will visit the sites, listed in the attached schedule, on 14<sup>th</sup> July 2022 in order to gain a better understanding of the proposal/case so that a decision can be made.

**Proposal** 1. To visit the application site detailed in the attached Schedule.  
2. To make decisions in respect of the Planning Application attached.

**Action by** Planning Committee

**Timetable** Immediate

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**Timetable** Immediate

The Officer recommendations detailed in this report are made following consultation as set out in the Council's approved policy on planning consultation and in accordance with legal requirements

## **Background**

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Site Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the site visit, the attached reports and the associated Officer presentation is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, well-being of future generations, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

## **Financial Summary**

The cost of determining planning applications and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

## Risks

Three main risks are identified in relating to the determination of planning applications by Planning Site Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Planning and Development Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Planning and Development Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee  Planning and Development Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Planning and Development Manager

\* Taking account of proposed mitigation measures

### **Links to Council Policies and Priorities**

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

## **Well-being Objectives**

Development management decisions reflect the well-being objectives by ensuring:

1. Everyone feels good about living, working, visiting and investing in our unique city.
2. Everyone has the skills and opportunities they need to develop, prosper and contribute to a thriving, sustainable city.
3. Everyone belongs to resilient, friendly, connected communities and feels confident and empowered to improve their well-being.
4. Newport has healthy, safe and resilient environments with an integrated sustainable travel network.

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January 2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

## **Options Available and considered**

- 1) To determine the applications in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Site Committee's reasons for its decision must be clearly minuted);

## **Preferred Option and Why**

To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate).

## **Comments of Chief Financial Officer**

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Site Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

## **Comments of Monitoring Officer**

Planning Site Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

## **Comments of Head of People, Policy and Transformation**

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

## **Local issues**

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

## **Scrutiny Committees**

None

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

The Socio-economic Duty, part of the Equality Act 2010, was also enacted in Wales on the 31<sup>st</sup> March 2021. This requires the Planning Site Committee, when making strategic decisions, to also pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, personal security and participation.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Wellbeing of Future Generations (Wales) Act 2015**

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- Long term: Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.
- Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.
- Integration: Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and

develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities.

**Collaboration:** Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.

**Involvement:** Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Council's well-being objectives published in March 2017. Specifically, Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

### **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. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

### **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

### **Background Papers**

#### **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 11 (February 2021)  
Development Management Manual 2016  
Welsh National Marine Plan November 2019  
Future Wales - The National Plan 2040 (February 2021)

#### *PPW Technical Advice Notes (TAN):*

TAN 1: Joint Housing Land Availability Studies (2015)  
TAN 2: Planning and Affordable Housing (2006)  
TAN 3: Simplified Planning Zones (1996)  
TAN 4: Retailing and Commercial Development (2016)  
TAN 5: Nature Conservation and Planning (2009)  
TAN 6: Planning for Sustainable Rural Communities (2010)  
TAN 7: Outdoor Advertisement Control (1996)  
TAN 10: Tree Preservation Orders (1997)  
TAN 11: Noise (1997)  
TAN 12: Design (2016)  
TAN 13: Tourism (1997)  
TAN 14: Coastal Planning (1998)  
TAN 15: Development and Flood Risk (2004)  
TAN 16: Sport, Recreation and Open Space (2009)  
TAN 18: Transport (2007)  
TAN 19: Telecommunications (2002)  
TAN 20: Planning and The Welsh Language (2017)  
TAN 21: Waste (2014)  
TAN 23: Economic Development (2014)  
TAN 24: The Historic Environment (2017)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

## **LOCAL POLICY**

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015) (updated October 2021)  
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)  
Flat Conversions (adopted August 2015) (updated October 2021)  
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)  
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)  
New dwellings (adopted August 2015) (updated January 2020)  
Parking Standards (adopted August 2015)  
Planning Obligations (adopted August 2015) (updated January 2020)  
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)  
Wildlife and Development (adopted August 2015)  
Mineral Safeguarding (adopted January 2017)  
Outdoor Play Space (adopted January 2017)  
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)  
Air Quality (adopted February 2018)  
Waste Storage and Collection (adopted January 2020)  
Sustainable Travel (adopted July 2020)  
Shopfront Design (adopted October 2021)

## **OTHER**

“Newport City Council Retail Study by Nexus Planning (September 2019) “ is not adopted policy but is a material consideration in making planning decisions.

‘The Economic Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) is a material planning consideration’.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule

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## **APPLICATION DETAILS**

**No:** 21/1235      **Ward:** Llanwern

**Type:** Full Application

**Expiry Date:** 28th April 2022

**Applicant:** O Davies

**Site:** Avalon Station Road Llanwern Newport NP18 2DW

**Proposal:** **CONSTRUCTION OF GABION BASKET WALL, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS**

**Recommendation:** **REFUSED**

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the erection of a single storey side extension, a first floor extension to create a two storey property and internal and external alterations, including the construction of a gabion basket wall, to the semi-detached bungalow known as Avalon, Station Road, Llanwern, Newport. An application for a similar extension to the attached property, Jasminium, is also on this agenda, reference 21/1236.
- 1.2 This application has been brought to planning committee at the request of Councillor Kellaway, to assess the overall impact on the adjacent property and the street scene.

### **2. RELEVANT SITE HISTORY**

21/1236 DEMOLITION OF EXISTING GARAGE AND SHED, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS (Jasminium, Station Road) On this agenda

### **3. POLICY CONTEXT**

#### **3.1 [Newport Local Development Plan 2011-2026 \(Adopted January 2015\)](#)**

- Policy GP2 (General Development Principles – 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 GP4 (General Development Principles – Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy GP5 (General Development Principles – 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 (General Development Principles – 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.

- Policy T4 (Parking) states that development will be expected to provide appropriate levels of parking.

### 3.2 [House Extensions and Domestic Outbuildings Supplementary Planning Guidance \(Adopted January 2020\)](#)

## 4. CONSULTATIONS

4.1 No external consultation was undertaken.

## 5. INTERNAL COUNCIL ADVICE

5.1.1 HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Station Road which is a classified road subject to a 30mph speed limit. The existing floor plan drawing AL(00)01 does not label the use of the rooms, but given the number of rooms it is taken the existing dwelling has 1 bedroom. The development proposal would remove the ground floor bedroom and provide 2 bedrooms on the new first floor resulting in a net increase in 1 bedroom. In accordance with the Newport City Council Parking Standards SPG for a property located in parking zone 5 a 1 bedroom dwelling requires 1 parking space and a 2 bedroom requires 2 spaces.

5.1.2 Photographic evidence submitted as part of the application shows a single on-site parking bay having been constructed parallel to, and immediately adjacent to, the highway. It appears this parking area may have been constructed without planning consent. Notwithstanding this an additional bedroom requires either (should the existing parking bay be unlawful) a single parking space, or (should the bay be lawful) an additional parking space.

5.1.3 Drawing AL(90)02, Existing and Proposed Site Plans, shows 2 proposed parking bays set parallel to the highway. These bays have very limited visibility from and of approaching vehicles. In accordance with the DfT publication Manual for Streets visibility splays of 2.4 x 43 metres in both directions are required from each bay. The splays cannot be provided as the applicant is not in control of the land that would be required. In the absence of the required splays vehicles emerging from either bay would have to enter the running carriageway before adequate visibility became available resulting in an increase in hazard and danger for all users of the road. This would be the case whichever direction cars were parked but would be exacerbated where the driver would be seated on the inside of the bay, ie. with parked vehicles facing south. I would therefore offer an objection to this application and recommend refusal on highway grounds.

5.2.1 HEAD OF CITY SERVICES (TREE OFFICER): Full tree/hedge information from an appropriately qualified Tree Consultant should be submitted in accordance with BS5837:2012 to support this application. This includes information on trees/hedges that border the application site. All tree/hedge information should be shown as an overlay on the layout plan. Details of SUDs measures/location are required in relation to the trees/hedgerows. The trees should inform the design layout and not vice versa, all potential conflicts between the proposed buildings and the trees should be designed out. The health, safety and longevity of the trees/hedges should not be compromised by a development. In the absence of any tree/hedge information there are objections to this application.

5.2.2 The following LDP policies are relevant:

- GP5 Natural Environment
- CE3 Environmental Spaces and Corridors
- GP2 General Development Principles
  - *“there will not be an adverse effect on local amenity”* - the trees/hedges form part of the amenity of the area.

5.3.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): The information submitted does not meet national or local landscape policy. The site is not within a Special Landscape Area or Conservation Area. There are however some landscape issues arising from the tight site, adjoining tree cover with some likely to be affected lying outside the land ownership boundary, and the very steep slopes to the rear which require resolution. The impact on

garden vegetation and trees on adjoining land is not clear. The proposal for a gabion wall to 3.5m height within a very tight site requires a footing detail to demonstrate this is a feasible solution given space available between the dwelling and the site boundary, including tree retention outside the site. Hard landscape details surfacing, retaining wall finishes, road frontage treatment is required. Stone is a relatively common finish to walling locally. There is very little scope for new planting, but retention of existing garden planting should be surveyed and confirmed for retention, or replacement with more appropriate species provided. Noted that a similar proposal has been submitted for the adjacent property.

5.3.2 The following information is required:

1. Professional tree and hedge survey to BS5837 including any trees likely to be impacted outside the site.
2. Gabion wall detail including footing shown in relation to the dwelling, site boundary, tree survey.
3. Hard landscape plan.
4. Survey of existing garden planting with plan to show retention or a detailed planting plan to show replacement with more appropriate species. It is recommended this is undertaken by a professional landscape architect.

5.4.1 HEAD OF CITY SERVICES (ECOLOGY OFFICER): I have considered the Building Inspection in Respect of Bats submitted in support of applications 21/1235 and 21/1236. The bat roost potential of these buildings has been assessed as negligible to low on the basis that no potential access points were identified on either building (Sections 5.1 and 6). However, looking at the images and provided and those of Google StreetView, there appear to be areas of the tiled roof which are uneven and poorly maintained, with potential gaps visible among the tiles and masonry. The absence of evidence of bat use in the roof voids does not necessarily mean that bats are absent, as some of the commonest bat species such as Pipistrelles tend to roost in crevices in the structure of the roof itself. Therefore I think the potential that bat access points were missed during the initial inspection is high.

5.4.2 Nevertheless, the methodology and conclusions of the rest of the bat survey report are sound, and precautionary mitigation measures / enhancements have been proposed. This being the case, on this occasion I advise that we accept that no further surveys are required, subject to using planning conditions on both applications to secure the precautionary measures set out in section 8.2, and Appendix C, of the Building Inspection in Respect of Bats.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties that share a common boundary with the application site, and opposite, were consulted (6No properties). 5No responses were received, either offering no objection to the proposal, or offering support for the following summarised reasons:

- The original properties were two storeys in scale and more attractive than the current properties;
- The proposal would improve the existing property and would enhance the view, appearance and character of the area;
- The proposal is sympathetic to the original design when first built and the would offer a more attractive and balanced dwelling;
- The open court parking arrangement seems to be working well, but the two formal parking bays would improve highway safety and access arrangements, as well as help prevent any incorrect roadside parking;
- There will be no extra traffic issues; and
- The existing Station Road is likely to become much quieter when the new Station Road Link is completed, especially as there will be no through access to the SDR and it will only serve as a secondary access to residents of the village. The parking bay should therefore not present any problems to the low number of vehicles and pedestrians using the Station Road.

6.2 COUNCILLORS: Councillor Kellaway requests for the application to be considered at planning committee as he is interested in the overall impact on adjacent properties and street scene.

- 6.3 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council wish to support this application.

## 7. ASSESSMENT

### *The Site*

- 7.1 The existing property is a modest, semi-detached bungalow of rectangular footprint located on the western side of Station Road. It lies within the Llanwern Village boundary, in close proximity to the highway and is set within a plot of limited depth. The application property is attached to the northern side of the property known as Jasminium, which has been previously extended and subject to previous refusals and a dismissed appeal (detailed further in the officer report for 21/1236). Jasminium has a similarly simple form, although it has been previously altered and extended. In the appeal decision for Jasminium (application 20/0995), the Inspector comments *“Although both extended, [Avalon and Jasminium] appear as a pair of roadside cottages that retain some symmetry in general form and scale”*.
- 7.2 Officers note that there is an element of rural character to the area and that a number of dwellings in the area surrounding the property are of mixed architectural styles. The application property has a simple form, with an existing extension of shallower roof pitch (and consequently a lower ridge height) attached to its northern end, as well as a modest front porch. Despite its simple form, it appears as a characterful, rural, roadside cottage. Externally, it has white rendered walls with a slate roof above. The increasing topography levels towards the west results in the site including rising land to its side/rear, which sits close to the footprint of the existing building. As a result, and due to the limited depth of the plot, the property’s external amenity space is located to the side of the dwelling.

### *Site History*

- 7.3 The applicant submits that this pair of properties were previously two storeys in scale and provides a newspaper photograph which appears to show this. Comments received from local residents in response to this application anecdotally corroborate this. The properties have clearly been significantly altered since that time. There is no evidence of these alterations receiving planning permission within the department’s historic records, which date back to 1973. Irrespective of their previous/original form, the assessment must consider whether the design and visual impact of the proposal is acceptable against the property as it currently stands, as well as its visual impact on the street scene.
- 7.4 Officers also note that the front boundary wall to the property has recently been removed to create a vehicular access and provide off-street car parking.

### *Proposed Development*

- 7.5 The proposal would see the construction of a first floor above the entirety of the existing property, increasing its eaves from a height of 2.7m to 5.1m (an increase of 2.4m) and its ridge from 4.85m to 7m (an increase of 2.15m). In addition, a single storey side extension would be erected to the northern side elevation, set back 0.5m from the front elevation, measuring 3.3m in width, 4.05m in depth and reaching a height of 2.69m to its eaves and 4.39m to its ridge. Both the first floor extension and the single storey side extension would utilise a pitched roof with a gable end.
- 7.6 The application also proposes engineering works through the excavation a portion of the raised bank, to be supported by a 1m-3.5m high gabion basket wall, to accommodate the proposed single storey side extension. Elsewhere, the plans propose the creation of two parallel parking bays across the site frontage and the construction of an associated 1m high retaining wall.

### *Design, Appearance and Visual Impact*

- 7.7 The SPG states that: an extension should relate sympathetically to the existing building and surrounding area; fenestration should replicate the proportions and details of doors, windows and skylights in the existing building; and that an extension should replicate the fenestration-to-elevation ratio of the existing building. In relation to side extensions, it highlights that *“Insensitively designed side extensions harm the townscape in two important ways. First, as well as distorting the front elevations of individual houses, they eliminate lines of symmetry in pairs of semi-detached houses. Second, they fill spaces between buildings, changing the*

*pattern of development in an area. Such spaces are valuable because they create a visual rhythm of solids and voids. In so doing, they help to puncture the built environment, preserving a sense of light and space at street level".* The SPG also states that a two-storey side extension (or a first-floor side extension above an existing ground floor section) should be *"set back at least 1m from the original front elevation of the existing building. Such a setback will reduce the visual impact on an extension, helping to maintain the character and appearance of both the original dwelling and the streetscape"*.

- 7.8 The works proposed as part of this application would significantly extend and subsume the existing property, to the detriment of its current form and character as a modest, roadside cottage. The scale and design of the proposal results in a structure of considerably increased bulk and massing, to the detriment of the character and appearance of the existing property. The works would also further elongate the linear form of the property which, when combined with its shallow depth and the increased height proposed, would result in a development which has an awkwardly tall appearance, contrasting with that of the existing property and the majority of those in the surrounding area. Furthermore, officers consider that the upward extension and widening of the property, combined with its elevated nature, would result in a structure of considerable height in close proximity to the highway. As a result, and given its setting opposite the gable end of Rose Cottage, officers consider that the development would result in a prominent and imposing structure, to the detriment of the character and visual amenities of the street scene as a whole.
- 7.9 In addition to the foregoing, the proposed fenestration would fail to sympathetically relate to the proportions or siting of the existing fenestration, which is to be replaced, and adds to the vertical emphasis of the property, in contrast to its existing horizontal emphasis. The proportions of the proposed upper floor openings would also conflict with the proposed ground floor openings. The elevation as a whole, including the fenestration, lacks any architectural interest or detailing which would otherwise help to break up its mass and contribute towards a principal elevation of appropriate design, appearance and detailing.
- 7.10 Overall, officers consider that the proposal, by reason its scale, massing, detailing and proximity to the highway, would be detrimental to the form, character and appearance of the host property and to the character and visual amenities of the Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.11 The proposal to increase the height to the property may, in principle, be achievable in an acceptable manner. However, an acceptable scheme would need to be of high quality design, particularly given the local character and the site's prominence. Officers do not consider that the scheme under consideration is of sufficiently high quality design and that a re-design, with reduced massing and increased character and detailing, is necessary.

#### *Implementation*

- 7.12 Officers note that there is an application on this agenda which seeks permission for similar extensions to the attached property, Jasminium. The existing and proposed front elevation drawings for both applications are shown side by side below, for reference.



Figure 1 (left): Jasminium existing front elevation



Figure 2 (right): Avalon existing front elevation



- 7.13 Despite the concurrent submission by the same applicant, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.
- 7.14 Officers must therefore consider the scheme for the extension of Avalon in isolation. In addition to the concerns previously detailed, the extension of Avalon in the manner proposed without the extension of the attached property would result in a highly obtrusive alteration, at odds with the attached neighbour, to the detriment of the character, appearance and symmetry of the pair of semi-detached dwellings as well as the visual amenities of the street scene, in further conflict with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). Furthermore, no information has been provided as to how these two developments would integrate.

#### *Impact on Local Residential Amenity*

- 7.15 Having regard for the nature of the proposal, the overall 2.15m increase in height, its siting relative to the attached neighbour and the distance from the properties opposite, it is not considered that the proposal would lead to a material loss of light or overbearing impact to neighbouring occupiers. Similarly, although it would result in the creation of additional openings at a higher level, it is not considered that it would result in a material increase in overlooking of neighbouring properties, being as it faces towards the blank gable end of Rose Cottage. There is an opening in the front elevation of Rose Cottage which would directly face the proposed openings, although this is visible from a public vantage point and is some 18.5m from the proposed openings. Overall, officers consider that the proposal's impact on local residential amenity would be acceptable.

#### *Highways*

- 7.16 The scheme proposes the provision of 2 No off-street car parking spaces, laid parallel with the highway, as well as the creation of a vehicular access onto a classified road. Until the recent removal of the boundary wall, the property did not benefit from any off-street car parking provision. Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015) requires development to, *inter alia*, provide safe and suitable access arrangements, and to avoid any adverse impact on highway or pedestrian safety.
- 7.17 The layout proposed has been reviewed by the Council's Highways Officer who objects to the proposal (as detailed in section 5.1.1-5.1.3 of this report). Given the proposed layout of the spaces parallel to the highway, they would have limited visibility from and of approaching vehicles. Manual for Streets requires these spaces to have visibility splays of 2.4m x 43m in both directions, which can't be provided or achieved. The proposed arrangement would require a vehicle emerging from either bay to enter the running carriageway before adequate visibility became available resulting in an increase in hazard and danger for all users of the road. This would be the case whichever direction cars were parked but would be exacerbated where the driver would be seated on the inside of the bay, ie. with parked vehicles facing south.
- 7.18 The agent has responded to these concerns, stating that the proposed arrangement would result in an improvement to highway safety by providing off-street car parking provision, which would otherwise be accommodated on the highway. They also state that the requirement to provide 2.4m x 43m of visibility is unreasonable, given that most properties within the village do not, and could not, achieve this, and that the extent of the site means that the provision of on-site turning facilities is not possible. They also comment that the traffic levels along Station Road is likely to reduce following completion of the bypass road within the adjacent Redrow Development Site, which would render Station Road as a secondary route. Finally, they refer to an appeal decision which notes that parking standards should be applied flexibly and be informed by the local context (including public transport accessibility and with the aim of reducing reliance on the private car). The Council's Highways consultee has considered this response, but maintains their concerns and objection.

- 7.19 Officers consider that the visual impact of the proposed parking area could be acceptable, subject to the approval of details surrounding the finish of the adjacent retaining wall and the proposed surfacing materials. However, the lack of visibility from the proposed parking spaces remains a significant concern. As detailed, there are no visibility splays shown on the submitted drawings to demonstrate what visibility can be achieved against the standards prescribed by Manual for Streets.
- 7.20 Given the layout of the proposed spaces, in tandem with one another and parallel with the carriageway, users of these spaces would have their visibility of traffic impeded in several ways. Should the cars be parked facing north, the driver would be located closer to the carriageway and would have some visibility of cars travelling south along Station Road. However, visibility of cars travelling northbound (on the nearest side of the carriageway) could only be obtained either by looking in their mirror and/or over their shoulder, or by entering into the running carriageway. Visibility in this direction may also be impeded by the neighbouring wall and fence serving Jasminium, and by a car parked in the other proposed space. Should cars be parked facing south, the driver would be on the other side of the vehicle, furthest from the carriageway, which would again require the vehicle to enter the running carriageway to achieve visibility of oncoming traffic. Visibility towards the south would be further reduced by the wall and fence at Jasminium and by a vehicle parked in the other space, with the boundary hedge to Avalon also impeding visibility to the north. It is considered that the proposed parking arrangement would create a significant hazard and threat to highway safety through lack of visibility.
- 7.21 Officers acknowledge that there would be some merit in creating off-street parking spaces given that it could remove on-street parking. However, officers opine that on-street parking is generally discouraged by the nature of Station Road in this location. Although the removal of potential on-street parking could assist in the free flow of traffic, any on-street parking does not engage the visibility issues that are presented by the proposed spaces. Vehicles travelling along Station Road in both directions would have good forward visibility, so can manoeuvre around parked vehicles safely, as opposed having to contend with vehicles egressing the parking spaces without sufficient visibility of oncoming traffic.
- 7.22 Officers disagree that the requirement for sufficient visibility of oncoming traffic is unreasonable on the basis that other nearby properties may not achieve this. Even if this were the correct, it would not be appropriate to permit the creation of substandard parking provision which would exacerbate any existing highway safety issues from historical access points. The claim that traffic levels along Station Road will reduce is as yet unproven and therefore carries little weight. Finally, officers accept that parking requirements should be applied flexibly, based on the local context. The Council's Adopted Parking Standards allows for a reduction in parking demand, if justified by a sustainability assessment undertaken in accordance with Appendix 5 of the standards. No assessment has been submitted in support of this application. Nevertheless, officers do not consider that it would qualify for a reduction in parking provision from a sustainability assessment given the limited access to local services, facilities and amenities, as well as the lack of any public transport alternatives locally. It is noted that the proposal only requires the provision of one parking space, although the submission has sought two and so shall be assessed as submitted.
- 7.23 Overall, officers consider that the proposal, by reason of its lack of submitted visibility splays, the layout and arrangement of the proposed spaces and the impediments to visibility from these spaces, would fail to provide safe and suitable access arrangements and would be detrimental to highway safety, contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015). Given the inadequacy of the proposed spaces, the proposal would also fail to provide the required number of off-street car parking spaces, contrary to Policy T4 of the Newport Local Development Plan 2011-2026 (January 2015).

#### *Trees and Landscaping*

- 7.24 Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015) requires developments to, inter alia: protect and encourage biodiversity; demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity; have no unacceptable impact on landscape quality; include an appropriate landscape scheme, which enhances the site and the wider context; and include appropriate tree planting or retention and not result in the

unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.

- 7.25 The development results in the apparent loss of hedgerow and trees as a result of the engineering works proposed to facilitate the extension and the gabion basket wall, as well as the loss of hedgerow to facilitate the proposed car parking spaces. It may also result in an impact on trees and vegetation outside of the site boundary. No supporting tree/hedgerow survey (BS5837) has been submitted in support of the application to detail the extent of the potential loss or adverse impact to these features, nor to detail any protection measures. Similarly, no landscaping survey or information has been provided, required to assess the impact of the proposal on the landscape qualities of the site, to secure compensatory planting (if necessary) and to enhance the environmental and biodiversity qualities of the site. The loss of or potential damage to these features, without any mitigation or compensation, would be detrimental to the environmental and biodiversity qualities of the site and to the visual amenities of the site and surrounding area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.26 Furthermore, the gabion basket wall would be sited close to the boundary of the site with elevated third party land. No structural details have been provided to assess or demonstrate that the gabion basket wall would offer the required stability to the adjacent third party land. In the absence of this information, the development is considered contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). Had this application been recommended for approval, these details could have been secured by planning condition. There is also a lack of hard landscaping details, including surfacing, retaining wall finishes and road frontage treatment, although these details could also be secured by planning condition.

#### *Bats*

- 7.27 The development is also required to demonstrate that it would not lead to an adverse impact on any protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015). A supporting bat survey has been provided, which assesses the bat roost potential of the building as negligible to low on the basis that no potential access points were identified on the building, although the Council's Ecologist considers that this may not be correct and that there is a high potential that bat access points were missed during the initial inspection. Nevertheless, the Council's Ecologist finds that the methodology, conclusions and the precautionary mitigation measures and enhancements proposed are sound and that, subject to a condition to secure these precautionary measures, there would be no adverse impact on a protected species.

## **8. OTHER CONSIDERATIONS**

### **8.1 *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.

### **8.2 *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.

### **8.3 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.



A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***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.

8.7 ***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.

**9. CONCLUSION**

9.1 Officers consider that the proposal, by reason of its scale, height, massing, design, detailing and proximity to the highway, would be detrimental to the form, character and appearance of the host property, the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

9.2 Officers also consider that the proposal, by reason of its lack of visibility information, the layout of the proposed spaces and the impediments to visibility, would fail to provide safe and suitable access arrangements, fail to provide sufficient off-street parking and would be detrimental to highway safety, contrary to Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015).

9.3 No supporting tree, hedgerow or landscaping information has been provided as part of this submission to demonstrate that the proposal would either safeguard these important environmental features, or provide suitable compensation and enhancement, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). Finally, the proposal would have an acceptable impact on protected species.

9.4 The submission also lacks structural calculations for the proposed gabion basket wall, to demonstrate that it offers the required support to elevated third party land, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

9.5 As a result of the foregoing, officers recommend that planning permission is refused.

**10. RECOMMENDATION**

REFUSED

01 By reason of its scale, height, massing, design, detailing and proximity to the highway, the proposed development would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of the form, character and appearance of the host property,

the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

02 By reason of its lack of visibility information, the layout of the parking spaces and the impediments to visibility, the proposed development would fail to provide safe and suitable access arrangements, fail to provide sufficient off-street parking and would be detrimental to highway safety, contrary to Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015).

03 The proposal, by reason of a lack of survey or supporting information, fails to demonstrate that the proposal would not have an adverse impact upon interests of acknowledged importance, namely trees, hedgerows or landscaping. Any loss or damage, without suitable compensation, would be detrimental to the environmental qualities of the site and the amenities of the area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).

04 The proposal, by reason of a lack structural details or calculations, fails to demonstrate that the proposed gabion basket wall would provide the necessary support to elevated third party land in the interests of high quality design and local amenity, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: AL(90)10; AL(90)02; AL(00)01; AL(00)10; AL(00)15; AL(00)30; Site Photographs; Celtic Ecology Building Inspection in Respect of Bats (dated March 2022); and Email from Arran Dallimore, dated 31 March 2022.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6 and T4 were relevant to the determination of this application.

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (January 2020) was adopted following consultation and is relevant to the determination of this application.

04 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.

## **11. REASON FOR THE SITE INSPECTION**

To view site in context and to consider highway impact.

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## APPLICATION DETAILS

**No:** 21/1236      **Ward:** Llanwern  
**Type:** Full Application  
**Expiry Date:** 28th April 2022  
**Applicant:** L McCarthy  
**Site:** *Jasminium Station Road Llanwern Newport NP18 2DW*  
**Proposal:** **DEMOLITION OF EXISTING GARAGE AND SHED, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS**

**Recommendation:** **REFUSED**

### 1. INTRODUCTION

- 1.1 This application seeks planning permission for demolition of an existing garage and shed and the construction of a single storey side extension, a first floor extension to create a two storey property, as well as internal and external alterations to the semi-detached bungalow known as Jasminium, Station Road, Llanwern, Newport. An application for a similar extension to the attached property, Avalon, is also on this agenda, reference 21/1235.
- 1.2 This application has been brought to planning committee at the request of Councillor Kellaway, to assess the overall impact on the adjacent property and the street scene.

### 2. RELEVANT SITE HISTORY

96/0356	FIRST FLOOR EXTENSION	Refused
19/0963	ERECTION OF TWO STOREY SIDE EXTENSION	Refused
20/0031	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 19/0963)	Refused
20/0643	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 20/0031)	Refused
20/0995	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 20/0643)	Refused, appeal dismissed

### 3. POLICY CONTEXT

- 3.1 [Newport Local Development Plan 2011-2026 \(Adopted January 2015\)](#)
- Policy GP2 (General Development Principles – 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 GP4 (General Development Principles – Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
  - Policy GP5 (General Development Principles – 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 (General Development Principles – 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.
- Policy T4 (Parking) states that development will be expected to provide appropriate levels of parking.

### 3.2 [House Extensions and Domestic Outbuildings Supplementary Planning Guidance \(Adopted January 2020\)](#)

## 4. CONSULTATIONS

4.1 No external consultation was undertaken.

## 5. INTERNAL COUNCIL ADVICE

5.1.1 HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Station Road, a predominantly residential road subject to a 30mph speed limit. The development proposal would result in an increase in the number of bedrooms from 2 to 5. For a 2 bedroom dwelling at this location the Newport City Council Parking Standards SPG (2015) requires 2 parking spaces, and for a 3+ bedroom 3 spaces. There is an existing parking space fronting the property and a driveway to the side which appears capable of accommodating 2 cars. The development proposal would result in an improvement to the side driveway by the provision of a vehicle turning area.

5.1.2 The side driveway access has very limited visibility from and of emerging vehicles. The proposal would be likely to result in an increase in its use given the requirement for 3 parking spaces. Visibility splays of 2.4 x 43 metres in both directions would be required but to the south this would be unachievable as third party land would be required. I am aware of the decision in application 20/0995 and the subsequent appeal, but would nevertheless offer an objection to this application on the grounds of inadequate access visibility.

5.2.1 HEAD OF CITY SERVICES (TREE OFFICER): Full tree/hedge information from an appropriately qualified Tree Consultant should be submitted in accordance with BS5837:2012 to support this application. This includes information on trees/hedges that border the application site. All tree/hedge information should be shown as an overlay on the layout plan. Details of SUDs measures/location are required in relation to the trees/hedgerows. The trees should inform the design layout and not vice versa, all potential conflicts between the proposed buildings and the trees should be designed out. The health, safety and longevity of the trees/hedges should not be compromised by a development. In the absence of any tree/hedge information there are objections to this application.

5.2.2 The following LDP policies are relevant:

- GP5 Natural Environment
- CE3 Environmental Spaces and Corridors
- GP2 General Development Principles
  - *“there will not be an adverse effect on local amenity”* - the trees/hedges form part of the amenity of the area.

5.3.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): The information submitted does not meet national or local landscape policy. The site is not within a Special Landscape Area or Conservation Area. There are however some landscape issues arising from the tight site, adjoining tree cover with some likely to be affected lying outside the land ownership boundary, and the very steep slopes to the rear which require resolution. The impact on garden vegetation and trees on adjoining land is not clear. Hard landscape details are required for surfacing, boundary treatment to road frontage, and confirmation of how levels

for the car turning area will adjoin +7.56m at the road and the site boundary at around +10m. There is very little scope for new planting, but retention of existing garden planting should be surveyed and confirmed for retention, or replacement with more appropriate species provided. Noted that a similar proposal has been submitted for the adjacent property.

5.3.2 The following information is required:

1. Professional tree and hedge survey to BS5837 including any trees likely to be impacted outside the site.
2. Hard landscape plan with proposed levels for the car turning area.
3. Survey of existing garden planting with plan to show retention or a detailed planting plan to show replacement with more appropriate species. It is recommended this is undertaken by a professional landscape architect.

5.4.1 HEAD OF CITY SERVICES (ECOLOGY OFFICER): I have considered the Building Inspection in Respect of Bats submitted in support of applications 21/1235 and 21/1236. The bat roost potential of these buildings has been assessed as negligible to low on the basis that no potential access points were identified on either building (Sections 5.1 and 6). However, looking at the images and provided and those of Google StreetView, there appear to be areas of the tiled roof which are uneven and poorly maintained, with potential gaps visible among the tiles and masonry. The absence of evidence of bat use in the roof voids does not necessarily mean that bats are absent, as some of the commonest bat species such as Pipistrelles tend to roost in crevices in the structure of the roof itself. Therefore I think the potential that bat access points were missed during the initial inspection is high.

5.4.2 Nevertheless, the methodology and conclusions of the rest of the bat survey report are sound, and precautionary mitigation measures / enhancements have been proposed. This being the case, on this occasion I advise that we accept that no further surveys are required, subject to using planning conditions on both applications to secure the precautionary measures set out in section 8.2, and Appendix C, of the Building Inspection in Respect of Bats.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties that share a common boundary with the application site, and opposite, were consulted (4No properties). 4No responses were received, offering support for the following summarised reasons:

- The original properties were two storeys in scale and more attractive than the current properties;
- The proposal would improve the existing property and would enhance the view, appearance and character of the area;
- The proposal is sympathetic to the original design when first built and the would offer a more attractive and balanced dwelling;
- The proposed plan seems to enhance the current parking arrangements and, as it is currently working well, it would not cause highway safety issues, or would offer an improvement. The existing parking arrangements to both the front and side of the dwelling have always worked very well;
- There will be no extra traffic issues; and
- The existing Station Road is likely to become much quieter when the new Station Road Link is completed, especially as there will be no through access to the SDR and it will only serve as a secondary access to residents of the village. The parking bay should therefore not present any problems to the low number of vehicles and pedestrians using Station Road.

6.2 COUNCILLORS: Councillor Kellaway requests for the application to be considered at planning committee as he is interested in the overall impact on adjacent properties and street scene.

6.3 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council wish to support this application.

## **7. ASSESSMENT**

### *The Site*

- 7.1 The existing property is a modestly sized, semi-detached bungalow of rectangular footprint located on the western side of Station Road. It lies within the Llanwern Village boundary, in close proximity to the highway, and is set within a wide, rectangular plot of limited depth. The property itself lies towards the northern end of the plot, elevated above the level of Station and is attached to the southern side of the property known as Avalon. The remainder of the plot comprises landscaped amenity space, with a detached, pitch roofed (converted) garage at its southern end, along with a vehicular access and off-street parking area. The property also benefits from a parking bay along the Station Road frontage, adjacent to the property itself. The local topography levels increase towards the west, meaning that there is a raised vegetated bank along the western site boundary, near to the footprint of the existing building.
- 7.2 Officers note that there is an element of rural character to the area and that a number of dwellings in the area surrounding the property are of mixed architectural styles. The property has been previously extended to the side, with the eaves and ridge height of the extension matching those of the original property. A front porch has also been added which projects forward of its principal elevation towards Station Road. Although previously extended, the application property retains a simple form and it appears as a characterful, rural, roadside cottage. Externally, it has rendered walls, a tiled roof, timber windows and UPVC doors. The attached neighbour, Avalon, is of a similarly modest scale and simple form and has also been previously extended. In a previous appeal decision on this property (application 20/0995), the Inspector commented "*Although both extended, [Avalon and Jasminium] appear as a pair of roadside cottages that retain some symmetry in general form and scale*".

### *Site History*

- 7.3 The applicant submits that this pair of properties were previously two storeys in scale and provides a newspaper photograph which appears to show this. Comments received from local residents in response to this application anecdotally corroborate this. The properties have clearly been significantly altered since that time. There is no evidence of these alterations receiving planning permission within the department's historic records, which date back to 1973. Irrespective of their previous/original form, this assessment must consider whether the design and visual impact of the proposal is acceptable against the property as it currently stands, as well as its visual impact on the street scene.
- 7.4 There have been several previous applications for this property, as listed in section 2 of this report. Application 96/0356 sought a first floor extension to the property, but was refused for the following reason: "*The proposed extension on one half of the semi detached property by reason of its height and design would be out of keeping with the scale and character of the pair of semis, resulting in an unbalanced appearance to the detriment of the visual amenities of the property and the street scene as a whole*".
- 7.5 A number of more recent applications has sought permission for a two storey side extension to the property, utilising the lower ground level of the adjacent garden to accommodate two storeys internally. However, all were refused due to the proposals being considered bulky and unsympathetic additions to the property that would have a detrimental impact on the character and appearance of the host dwelling and surrounding streetscape, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015). The most recently refused application, 20/0995, was also dismissed at appeal. In that case, the extension included only a token set-back from the front elevation and set-down from the eaves and ridge of the existing property. In their decision, the Inspector commented that "*The limited depth of the plot means that the proposed two storey extension would be prominent in views from the road. Its scale and limited set back means that it would not appear subservient to the existing modest bungalow*", concluding that "*The scale and design of the proposal means that it would be a bulky and unsympathetic addition to this modest property*".

### *Proposed Development*

- 7.6 The proposal would see the demolition of part of the existing property (including the front projection), the erection of a first floor extension above the remainder of the property and the erection of a single storey side extension. The resulting two storey section of the property would measure 11.45m in width, 4.6m in depth and reach a height of 5.1m to the eaves (an

increase of 2.4m compared to the 2.7m of the existing) and 7m to the ridge of its pitched roof (an increase of 2.15m compared to the 4.85m of existing).

- 7.7 The single storey side extension would measure 5.3m in width and 4.25m in depth, set back 0.3m from the front of the two storey section. It would reach a height of 2.65m to the eaves and 4.45m to the ridge. Externally, the proposal include 3No windows in the ground floor of the two storey section, with 4No windows on the upper floor. The two storey section would also include a southern gable end window at first floor level. The single storey side extension would include a window in its front elevation and a set of bi-folding doors in its southern elevation.
- 7.8 The proposal also includes the demolition of existing detached garage and shed, and provision of 2No off-street car parking spaces with an on-site turning area. This parking provision is in addition to the existing roadside bay. The widening of the existing access is also shown on the proposed plans.

*Design, Appearance and Visual Impact*

- 7.9 The SPG states that: an extension should relate sympathetically to the existing building and surrounding area; fenestration should replicate the proportions and details of doors, windows and skylights in the existing building; and that an extension should replicate the fenestration-to-elevation ratio of the existing building. In relation to side extensions, it highlights that *“Insensitively designed side extensions harm the townscape in two important ways. First, as well as distorting the front elevations of individual houses, they eliminate lines of symmetry in pairs of semi-detached houses. Second, they fill spaces between buildings, changing the pattern of development in an area. Such spaces are valuable because they create a visual rhythm of solids and voids. In so doing, they help to puncture the built environment, preserving a sense of light and space at street level”*. The SPG also states that a two-storey side extension (or a first-floor side extension above an existing ground floor section) should be *“set back at least 1m from the original front elevation of the existing building. Such a setback will reduce the visual impact on an extension, helping to maintain the character and appearance of both the original dwelling and the streetscape”*.
- 7.10 The works proposed as part of this application would significantly extend and subsume the existing property, to the detriment of its current form and character as a modest, roadside cottage. The scale and design of the proposal results in an obtrusive structure of considerably increased bulk and massing, to the detriment of the character and appearance of the existing property. The works would also further elongate the linear form of the property which, when combined with its shallow depth and the increased height proposed, would result in a development which has an awkwardly tall appearance, contrasting with that of the existing property and the majority of those in the surrounding area.
- 7.11 Officers consider that the upward extension of the property would result in a structure of considerable height in close proximity to the highway, exacerbated by its ground level being raised above the level of the highway, which is not illustrated on the proposed elevations drawing. However, this is illustrated on the Station Road section drawing (below at Figure 1) which shows the height of the proposal relative to the adjacent highway. The increased height and width of the property, in close proximity to the highway, would result in the creation of a prominent and imposing structure, exacerbated by the gable end of Rose Cottage opposite, to the detriment of the character and visual amenities of the street scene as a whole. It is also noted that the eaves and ridge height of the single storey side extension would be almost identical to that of the previously refused two storey side extension, which was also dismissed at appeal by the Inspector for its scale and design, although it would arguably appear subservient to the remainder of the extended property.



**Figure 1: Proposed Station Road section**

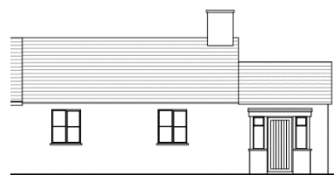
- 7.12 In addition to the foregoing, the proposed fenestration would fail to sympathetically relate to the proportions or siting of the existing fenestration, which is to be replaced, and adds to the vertical emphasis of the property, in contrast to its existing horizontal emphasis. The proportions of the proposed upper floor openings would also conflict with the proposed ground floor openings, with the first floor bathroom window also appearing out of keeping. The elevation as a whole, including the fenestration, lacks any architectural interest or detailing which would otherwise help to break up its mass and contribute towards a principal elevation of appropriate design, appearance and detailing.
- 7.13 Overall, officers consider that the proposal, would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of its form, character and appearance, as well as the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.14 The proposal to increase the height to the property may, in principle, be achievable in an acceptable manner. However, an acceptable scheme would need to be of high quality design, particularly given the local character and the site's prominence. Officers do not consider that the scheme under consideration is of sufficiently high quality design and that a re-design, with reduced massing and increased character and detailing, is necessary.

*Implementation*

- 7.15 Officers note that there is an application on this agenda which seeks permission for similar extensions to the attached property, Avalon. The existing and proposed front elevation drawings for both applications are shown side by side below, for reference.



**Figure 2 (left): Jasminium existing front elevation**



**Figure 3 (right): Avalon existing front elevation**



**Figure 4 (left): Jasminium proposed front elevation**



**Figure 5 (right): Avalon proposed front elevation**

- 7.16 Despite the concurrent submission by the same applicant, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.



7.17 Officers must therefore consider the scheme for the extension of Jasminium in isolation. In addition to the concerns previously detailed, the extension of Jasminium in the manner proposed without the extension of the attached property would result in a highly obtrusive alteration, at odds with the attached neighbour, to the detriment of the character, appearance and symmetry of the pair of semi-detached dwellings as well as the visual amenities of the street scene, in further conflict with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). These concerns align with those of the 96/0356 application. Furthermore, no information has been provided as to how these two developments would integrate.

#### *Impact on Local Residential Amenity*

7.18 Having regard for the nature of the proposal, the overall 2.15m increase in height, its siting relative to the attached neighbour and the distance from the properties opposite, it is not considered that the proposal would lead to a material loss of light or overbearing impact to neighbouring occupiers. Similarly, although it would result in the creation of additional openings at a higher level, it is not considered that it would result in a material increase in overlooking of neighbouring properties. The nearest potential issue of overlooking would be towards the rear elevation and rear garden of Rose Cottage, opposite. However, the proposal would be some 9.5m from the boundary with Rose Cottage and the elevations of these properties are laid out at an angle with an existing level of mutual overlooking. Therefore, it is not considered that the proposal would worsen the existing situation. Overall, officers consider that the proposal's impact on local residential amenity would be acceptable.

#### *Highways*

7.19 The scheme proposes the widening of the existing access towards the southern end of the site, the formalisation of 2No off-street car parking spaces and the provision of an on-site turning area, in place of a demolished garage and shed. These two spaces, combined with the existing roadside bay, would provide the property would a total of 3No car parking spaces, which would accord with the requirement for a 3+ bedroom property, in line with the Council's Parking Standards SPG and Policy T4 of the Newport Local Development Plan 2011-2026 (January 2015).

7.20 Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015) requires development to, *inter alia*, provide safe and suitable access arrangements, and to avoid any adverse impact on highway or pedestrian safety. Although they acknowledge that the proposal would result in an improvement to the driveway by the provision of a vehicle turning area, the Council's Highways Officer has objected to the proposal, as detailed in section 5.1 of this report. Their concerns are that the driveway has limited visibility from and of emerging vehicles and that the proposal is likely to increase its use given the requirement for 3No spaces. As such, they state that visibility splays of 2.4 x 43 metres in both directions would be required, and may not be achievable.

7.21 The proposed works would widen the existing access, formalise parking arrangements on site and provide an on-site turning area to allow vehicles to access and egress the site in a forward gear. These works would markedly improve the site's existing access and parking arrangements. Whilst the proposal may not have evidenced the required visibility, it is considered that as these works would improve an existing substandard access and serve a similar use, they would be acceptable. This aligns with the Council's stance on the same arrangement as submitted under application 20/0995, a stance which was also supported by the Planning Inspector. As such, it is considered that the proposal would be served by acceptable access arrangements, sufficient parking and would avoid any adverse impact on highway safety.

#### *Trees and Landscaping*

7.22 Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015) requires developments to, *inter alia*: protect and encourage biodiversity; demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity; have no unacceptable impact on landscape quality; include an appropriate landscape scheme, which enhances the site and the wider context; and include appropriate tree planting or retention and not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.

7.23 The proposed works would have an impact on the landscape features of the site, including trees, hedgerows and vegetation both within and outside of the site boundary. No supporting tree/hedgerow survey (BS5837) has been submitted in support of the application to detail the extent of the potential loss or adverse impact to these features, nor to detail any protection measures. Similarly, no landscaping survey or information has been provided, required to assess the impact of the proposal on the landscape qualities of the site, to secure compensatory planting (if necessary) and to enhance the environmental, biodiversity and amenity qualities of the site. The application also lacks detail on the potential impact of the proposed access and parking area on the site's landscape features and site topography. The loss of or potential damage to these features, without any mitigation or compensation, would be detrimental to the environmental and biodiversity qualities of the site and to the visual amenities of the site and surrounding area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). There is also a lack of hard landscaping details, including surfacing and road frontage treatment, although these details could be secured by planning condition.

#### *Bats*

7.24 The development is also required to demonstrate that it would not lead to an adverse impact on any protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015). A supporting bat survey has been provided, which assesses the bat roost potential of the building as negligible to low on the basis that no potential access points were identified on the building, although the Council's Ecologist considers that this may not be correct and that there is a high potential that bat access points were missed during the initial inspection. Nevertheless, the Council's Ecologist finds that the methodology, conclusions and the precautionary mitigation measures and enhancements proposed are sound and that, subject to a condition to secure these precautionary measures, there would be no adverse impact on a protected species.

## **8. OTHER CONSIDERATIONS**

### **8.1 *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.

### **8.2 *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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

### **8.6 *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.

#### 8.7 **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.

### 9. **CONCLUSION**

9.1 Officers consider that the proposal, by reason of its scale, height, massing, design, detailing, elevated nature and proximity to the highway, would be detrimental to the form, character and appearance of the host property, the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

9.2 No supporting tree, hedgerow or landscaping information has been provided as part of this submission to demonstrate that the proposal would either safeguard these important environmental features, or provide suitable compensation and enhancement. There is also a lack of detail on the impact of the proposed access and parking area on the site's landscape features and the site topography. The scheme is therefore considered contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). The proposal would have an acceptable impact on protected species.

9.3 The proposed works to widen the existing access, formalise the off-street car parking and provide an on-site turning area are considered to be acceptable, in accordance with Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015). However, the lack of tree, hedgerow and landscaping information as part of this application means that a full assessment of the impact of these works are not able to be undertaken. As such, it is not possible to recommend that the application is part granted in respect of this element.

9.4 As a result of the foregoing, officers recommend that planning permission is refused.

### 10. **RECOMMENDATION**

#### REFUSED

01 By reason of its scale, height, massing, design, detailing, elevated nature and proximity to the highway, the proposed development would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of its form, character and appearance, as well as the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

02 The proposal, by reason of a lack of survey or supporting information, fails to demonstrate that the proposal would not have an adverse impact upon interests of acknowledged importance, namely trees, hedgerows and landscaping. Any loss or damage to these features without suitable compensation would be detrimental to the environmental qualities of the site and the amenities of the area. The submission also fails to address the potential impact of the proposed access and parking area on the site's landscape features and topography. The

development is therefore considered contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: AL(90)02; AL(90)10; AL(00)01; AL(00)10; AL(00)15; AL(00)30; Site Photographs; Celtic Ecology Building Inspection in Respect of Bats (dated March 2022); and Email from Arran Dallimore, dated 31 March 2022.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6 and T4 were relevant to the determination of this application.

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (January 2020) was adopted following consultation and is relevant to the determination of this application.

04 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.

**11. REASON FOR THE SITE INSPECTION**

To view site in context and to consider highway impact.

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