

# Report

## **Planning Site Sub-Committee**

### **Part 1**

10 September 2015

### **Item No 4**

#### **Subject     Planning Application Schedule – Site Visits**

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

**Author**     Development Services Manager

**Ward**        As indicated on the schedule

**Summary**   Attached is a Planning Application Schedule, detailing those applications requiring a site visit, as recommended by Planning Committee on 2 September 2015. The Planning Site Sub-Committee will visit the sites on 10 September 2015 listed in the attached schedule, in order to gain a better understanding of the proposal/case so that a decision can be made.

- Proposal**   1.     **To visit the application sites detailed in the attached Schedule.**
2.     **To make decisions in respect of the Planning Applications attached.**

**Action by**   Planning Committee

**Timetable**   Immediate

The Officer recommendations detailed in this report are made following consultation with local residents, Members and statutory consultees as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

## Protocol

1. A Planning Protocol for Planning Sub-Committee site visits was approved by Council on 08 April 2008 and amended in February 2013.
2. A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee. It will be known as the Planning Site Sub-Committee.
3. The Planning Site Sub-Committee shall comprise of six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.
4. A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with that Committee.

## Purpose of Site Inspections

5. Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:
  - fact find;
  - investigate specific issues raised in any request for a site inspection;
  - investigate issues arising from the Planning Committee presentation or discussion;
  - enable the Planning Site Sub-Committee to make decisions.

## Requests for Site Inspections

6. Any member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific reasons for the visit.
7. Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not a site visits is necessary to inform the decision making process.
8. Where no request for a site visit has been made members of the Planning Committee may decide during consideration of an application that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.
9. Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way eg those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairman and Vice-Chairman of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. **As Members of the Sub-Committee will not have received a formal presentation on the application a recommendation cannot be given.** They will be able to report their findings of fact to the Planning Committee. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.

## **Attendance at Planning Site Sub-Committee Visits**

10. Attendance at Planning Site Sub-Committee visits is to be restricted as follows:

- Members of the Planning Site Sub-Committee;
- Relevant Officers;
- Ward Councillors;
- Single representative of the Community Council [if relevant];
- Applicant/Agent to allow access to the site;
- Neighbour/other Landowner [where access is required to make any assessment].

## **Representations at Planning Site Sub-Committee Visits**

11. A site visit is not an opportunity to lobby on an application. Accordingly, no representations may be made to the Planning Site Sub-Committee by any party. Members of the Sub-Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

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## **Background**

The reports contained in this schedule assess the proposed development or the unauthorised 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.

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Site Sub 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. There is no third party right of appeal against a decision.

Where formal enforcement action is taken, the recipient of the Notice has a statutory right of appeal in most cases. There is no third party right of appeal against a decision with the exception of High Hedge Remedial Notices. Appeals are normally lodged with the Planning Inspectorate at the Welsh Assembly Government, with the exception of Section 215 Unsightly Land Notices, for which appeals are heard by the Magistrates' Court. Non-compliance with a statutory Notice is a criminal offence against which prosecution proceedings may be sought. The maximum level of fine and/or sentence that can be imposed by the Courts depends upon the type of Notice issued.

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 or Planning Site Sub 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, 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, taking enforcement action, carrying out Committee site visits 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.

In the case of Section 215 Unsightly Land Notices, an appeal is lodged with the Magistrates' Court and the Council will seek to recover all its costs in relation to all such appeals.

In the case of Stop Notices, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development have already been granted planning permission.

### **Risks:**

Four risks are identified in relating to the determination of planning applications by Planning Committee or Planning Site Sub 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.

An appeal can be lodged by any recipient of a formal Notice, with the exception of a Breach of Condition Notice. 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.

If a Stop Notice is issued, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development has already been granted planning permission. Legal advice is sought before taking such action, and a cost-benefit analysis is undertaken to fully assess the proposed course of action.

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.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal or reasons for taking enforcement action can be defended at appeal.</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 35/95.</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager
Judicial review	H	L	Ensure sound and rational	Planning

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
successful with costs awarded against the Council			decisions are made.	Committee  Development Services Manager
Compensation awarded in relation to a Stop Notice	M	L	Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

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'.

The Corporate Plan links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Unitary Development Plan (Adopted May

2006) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### **Options available**

- 1) To determine applications in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To determine that applications be granted or refused against the Officer recommendation (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted);

With regards to enforcement cases:

- 1) To determine that enforcement action is taken (or no further action is taken) in accordance with the Officer recommendation (with amendments to or additional requirements or reasons for taking formal action if appropriate);
- 2) To determine that a different course of action be taken to that recommended by Officers (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted).

### **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 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 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.

### **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

### **Equalities Impact Assessment**

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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

## **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.

## **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 7 (July 2014)

Minerals Planning Policy Wales (December 2000)

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

TAN 1: Joint Housing Land Availability Studies (2006)

TAN 2: Planning and Affordable Housing (2006)

TAN 3: Simplified Planning Zones (1996)

TAN 4: Retailing and Town Centres (1996)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 7: Outdoor Advertisement Control (1996)

TAN 8: Renewable Energy (2005)

TAN 9: Enforcement of Planning Control (1997)

TAN 10: Tree Preservation Orders (1997)

TAN 11: Noise (1997)

TAN 12: Design (2014)

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: The Welsh Language: Unitary Development Plans and Planning Control (2013)

TAN 21: Waste (2014)

TAN 23: Economic Development (2014)

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

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)



Welsh Government Circular 016/2014 on planning conditions

## **LOCAL POLICY**

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

Supplementary Planning Guidance (SPGs):

Affordable Housing (adopted August 2015)

Archaeology & Archaeologically Sensitive Areas (adopted August 2015)

Flat Conversions (adopted August 2015)

House Extensions and Domestic Outbuildings (adopted August 2015)

Houses in Multiple Occupation (HMOs) (adopted August 2015)

New dwellings (adopted August 2015)

Parking Standards (adopted August 2015)

Planning Obligations (adopted August 2015)

Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)

Wildlife and Development (adopted August 2015)

## **OTHER**

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

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.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 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

## Planning Application Schedule

### **APPLICATION DETAILS**

**No:** 15/0639      **Ward:** MALPAS

**Type:** FULL

**Expiry Date:** 27-AUG-2015

**Applicant:** ROBERT BRIDGES

**Site:** 35, ALANBROOKE AVENUE, NEWPORT, NP20 6QJ

**Proposal:** PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, RAISED BALCONIES, REMOVAL OF EXISTING REAR GARAGE AND REVISED PARKING ARRANGEMENT TO FRONT

**Recommendation:** GRANTED WITH CONDITIONS

#### **1. INTRODUCTION**

- 1.1 This application seeks full planning permission for a proposed two storey side extension, single storey rear extension, raised balconies, removal of existing rear garage and revised parking arrangement to front at 35 Alanbrooke Avenue in the Malpas Ward.

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

None

#### **3. POLICY CONTEXT**

- 3.1 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.

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.

- 3.2 The adopted *House Extensions and Domestic Outbuildings and Parking Standards 2015* supplementary planning guidance (SPG) are relevant to the determination of this planning application.

#### **4. CONSULTATIONS**

- 4.1 None

#### **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.

#### **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS:

All properties with a common boundary with the application site were consulted (two addresses). One letter of objection was received from the occupiers of 37 Alanbrooke Avenue. The major concern raised is with regards to the proposed two storey side extension which would infill the gap between 35 and 37 Alanbrooke Avenue. The proposed side extension would be built within 2.6 metres of the house at 37 and would be very close to the garage at that property. First floor windows at 37 would look directly out onto a solid brick wall that would be full roof height. Light would be reduced to these first floor windows. The hallway window provides the only light available to the first floor bedrooms from this direction. In any event the extension would be overpowering and cause upset to the residents of 37. Concern is also raised with regards to the demolition of the existing garage within the garden at 35 as it forms the boundary wall shared with 37. It is also stated that the side extension would infill the gap between the properties that the original architects, authorities and constructors originally deemed to be lawful and appropriate.

6.2 COUNCILLOR DAVID MAYER: Requested that the application be called to committee to consider the impacts on neighbouring amenities.

## **7. ASSESSMENT**

7.1 The property is a 1950s bay fronted semi-detached dwelling located in an area characterised by a mix of detached and semi-detached properties. Semi-detached bay fronted properties, of a similar design to the application property, extend along the north-eastern side of Alanbrooke Avenue. The area is predominantly sub-urban and residential in character and appearance. The application property is set down in height from the public highway level and is set within a curtilage comprised of a front garden with driveway sloping towards the property and a private rear garden that is approximately 1.2 metres lower than the ground floor level of the house.

7.2 The proposal is to demolish an existing detached garage located in the rear garden and to construct an extension comprised of a two storey side extension with single storey rear extension. The side extension would provide domestic storage at ground floor level with two additional bedrooms at first floor level. The rear extension would provide an extended kitchen and utility room and allow for the creation of a breakfast area within the existing house.

7.3 The side extension would measure a width of 2.5 metres with a total depth of 10 metres (6.8 metres depth at first floor level). The eaves height at the front of the property would measure 4.9 metres and 5.75 metres at the rear. The ridge height would be 7.35 metres from the adjacent ground level. The single storey rear extension would project a depth of 3.3 metres from the rear building line of the main house and would span a width of 5.6 metres across approximately half of the width of the existing house and the full width of the proposed side extension. Two sets of steps providing access to the rear garden would project a depth of 1.15 metres from the rear building line of the proposed rear extension and would be at a height of 1.2 metres from the garden level.

7.4 The side extension would project to within 0.3 metres of the south-eastern intervening boundary shared with 37 Alanbrooke Avenue so it can be expected that the occupiers of no.37 would experience some impacts from the proposal. At ground floor level the neighbouring property at 37 Alanbrooke Avenue has no side facing windows, but does have a front facing window serving a converted garage (now used as a utility room, although incorrectly shown by the applicant as a lounge extension on plan). The utility room window would receive some loss of light as 45 degree splays taken from it would be obscured on both horizontal and vertical axis. As the utility room is not considered to be a habitable room the reduction in light would not be harmful to the amenities of the neighbouring occupiers as the existing lounge and dining room would be unaffected. At first floor level a bathroom and hallway window face towards the property at 35 Alanbrooke Avenue. The side extension would affect the outlook from the neighbouring first floor windows, but as the extension would be set 2.6 metres away it is considered that it would not be overbearing to

a harmful degree. Further to this the windows are north-east facing so would not be expected to receive much in the way of direct sunlight throughout the day. Any reduction in ambient light to these windows would only be marginally over and above the existing situation. Given the proximity of the existing neighbouring house, and considering that the windows do not serve habitable rooms any marginal reduction in light would be considered acceptable. The rear extension would not project to a depth that would begin to reduce light available to the rear facing windows at no. 37.

- 7.5 No windows or doors are proposed that would face directly onto neighbouring properties. The stairs that provide access to the rear garden would provide some degree of overlooking to the garden at no.37, but the stairs would not be considered to form a usable raised balcony or patio and the closest stairs to the boundary shared with no. 37 would face in the opposite direction so any overlooking created from them would not be significant or harmful. Overall the proposal is considered to be in accordance with policy GP2 and the general amenities of neighbours would not be harmfully affected.
- 7.6 In design terms the side extension would be set back from the front building line of the property by over 1 metre and would have a roof set down. The proposed roof would be hipped and would match the style of the existing house. As such it is considered to be in accordance with the requirements of the adopted *House Extensions* SPG. The proposed materials would match the existing house so would help to preserve the character and appearance of the property. The side extension would be visible within the street scene, but given the set back and roof set down it would appear as a subservient addition to the property and on balance would be acceptable. Overall the proposal is considered to be in accordance with policy GP6 of the NLDP.
- 7.7 The applicant has demonstrated that three off-street parking spaces would be retained at the property and as such no objection is raised by the Head of Streetscene and City Services (Highways).
- 7.8 One letter of objection was received from the occupiers of 37 Alanbrooke Avenue. The major concern raised is with regards to the proposed two storey side extension which would infill the gap between 35 and 37 Alanbrooke Avenue. Issues with regards to the main impacts on the amenities of the occupiers of no. 37 have been addressed above and it has not been concluded that any harm would be caused by the proposals. It was stated that the first floor side facing hallway and toilet windows provides the only light available to the first floor bedrooms from this direction within the property. As stated above the reduction in light available to the hallway window would not be considered harmful or significantly over and above the existing situation given that it faces north-east and in any case the bedrooms are also served by front and rear facing windows that would experience no reduction in light from the proposed scheme so daylight to the bedrooms would generally be preserved.
- 7.9 Concern is also raised with regards to the demolition of the existing garage within the garden at 35 as it forms the boundary wall shared with 37. Any issues surrounding the demolition of the garage, such as damage caused to neighbouring property or the reinstatement of a boundary enclosure would be a civil matter to be discussed between the property owners. A replacement boundary enclosure could be erected under permitted development up to a height of 2 metres from ground level without the need for planning permission. It is also stated that the side extension would infill the gap between the properties that the original architects, authorities and constructors originally deemed to be lawful and appropriate. As mentioned above the Council has adopted design guidance that the proposed two-storey side extension meets. In some cases the Council may try to avoid the substantial infilling of gaps between semi-detached properties to avoid an unacceptable terracing effect within the street scene. In this case the subservient design of the extension would not result in any unacceptable harm to the visual appearance of the property or the street scene so is considered acceptable.

## 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.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

### 8.6 ***Planning (Wales) Act 2015 (Welsh language)***

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 9. CONCLUSION

9.1 The proposed side and rear extensions and revised front parking arrangements by reasons of the location, scale and design would preserve visual amenities, access to daylight and privacy to neighbouring occupiers and would preserve the character and appearance of the property and the street scene.

9.2 The proposal is therefore in accordance with policies GP2 and GP6 of the Newport Local Development Plan (NLDP) 2011-2026 (adopted January 2015) and the adopted *House Extensions and Domestic Outbuildings and Parking Standards 2015* supplementary planning guidance.

9.3 Planning Permission is recommended to be granted subject to the following conditions.

## 10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: KD1506/1 – Existing Floor Plans and Elevations with Existing and Proposed

Site Plan; KD1506/2 – Proposed Floor Plans and Elevations; Site Location Plan ref: 15/0639.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

***Pre –occupation conditions***

02 Prior to the first beneficial occupation of the extensions hereby approved the additional parking space shall be fully installed in accordance with approved plan no. KD1506/2 and shall be retained in that state and kept available for the parking of vehicles thereafter.

Reason: To ensure that adequate off-street parking provision is available.

***General conditions***

03 The side and rear extensions hereby approved shall be constructed using materials to match the external appearance of the main house and shall be retained in that state thereafter.

Reason: To ensure development that is compatible with its surroundings.

05 No windows or doors shall be installed into the south-east facing side elevation of the extensions hereby approved.

Reason: To protect privacy to adjoining occupiers.

***NOTE TO APPLICANT***

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

02 The following supplementary planning guidance was adopted following consultation and was relevant to the determination of this planning application *House Extensions and Domestic Outbuildings and Parking Standards 2015*.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

**11. REASON FOR SUB-COMMITTEE SITE INSPECTION**

To assess the impact of the proposals on neighbouring amenity and to assess the difference in levels.