

Delegated Decision Report

Application No:	24/0563	Statutory Period Expires:	3rd September 2024
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Site:	<i>Silver Birches Wentwood Road Penhow Newport NP26 3AE</i>		
Proposal:	PROPOSED TWO STOREY SIDE AND REAR EXTENSIONS AND SINGLE STOREY FRONT EXTENSION AND RAISING THE RIDGE HEIGHT OF THE DWELLING BY 450MM		
Applicant:	<i>Phillips</i>		
Type:	Full	Ward:	Bishton And Langstone
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 Planning permission was granted in 2012 for a two storey side and single storey front and rear extensions with a first floor balcony, demolition of utility room and alterations to parking area. The applicant advises that the development has commenced and is up to damp proof course level, but this application has been submitted as changes to the scheme are required. This is discussed further on in this report. This application is for full planning permission.

2. SITE LOCATION AND CONTEXT

2.1 The property is a detached dwelling located within the Parc Seymour Village Boundary, albeit on the edge of the settlement. Nearby properties are also detached and situated on a remote country lane. The site is urban fringe but located in a characteristically rural setting surrounded by the Wentwood Special Landscape Area to the north, west and east.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposed two storey side extension would measure 5.3m in width, 8.6m in length and 6m in height to the ridge. The front elevation would incorporate a bay window at ground floor and a smaller window above at first floor level. To the east side elevation a small dormer window is proposed with no elevation proposed to this elevation which is orientated towards a retaining wall and embankment.

3.2 The two storey rear extension would measure 5.3m in width, 4.2m in depth and 6m in height to the ridge. In the rear elevation two windows are proposed at ground floor and a window is proposed at first floor. A first floor window is proposed in the west side elevation. Both the side and rear extensions would have gable ended roofs. The single storey extension would measure 3.9m in depth, 4.8m in width and 3.2m in height with a lantern roof. Three windows are proposed in the rear elevation and bi-fold doors are proposed in the west side elevation.

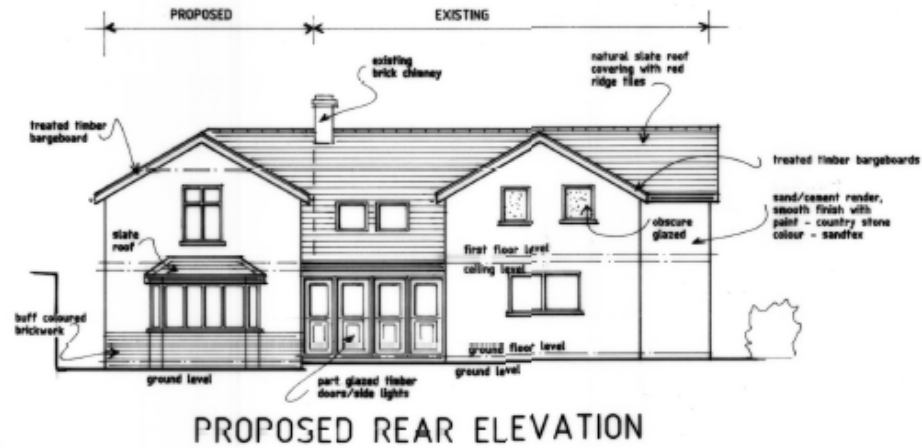
3.3 It is proposed to raise the ridge of the dwelling by 450mm in order to provide sufficient headroom for the installation of a disability lift for the applicant.

3.4 The previously approved front and rear elevations are shown below:

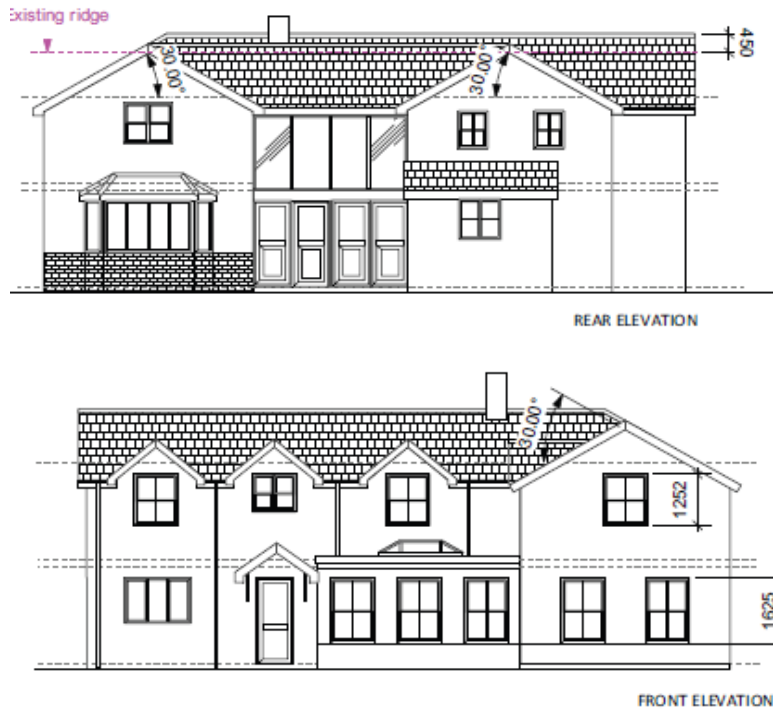


PROPOSED FRONT ELEVATION

SCALE - 1:100



3.5 The proposed front and rear elevations with this application are shown below for comparison:



4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
06/1035	ERECTION OF A TWO STOREY SIDE EXTENSION	GRANTED WITH CONDITIONS	05.10.2006
06/1068	ERECTION OF A DWELLING (OUTLINE)	GRANTED WITH CONDITIONS REFUSED	01.02.2007
08/0453	PROPOSED DETACHED DWELLING & REVISED ACCESS	GRANTED WITH CONDITIONS	19.06.2008
08/1083	PROPOSED DETACHED DWELLING AND		12.10.2011

	REVISED ACCESS (RESUBMISSION FOLLOWING REFUSAL OF PLANNING PERMISSION 08/0453)	NOT ISSUED	
11/1006	CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED SINGLE STOREY OUTBUILDING FOR THE ENJOYMENT OF THE DWELLINGHOUSE	GRANTED WITH CONDITIONS	12.03.2012
11/1366	ERECTION OF OUTBUILDING IN REAR GARDEN	GRANTED WITH CONDITIONS	04.12.2010
12/0949	PROPOSED TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSIONS WITH FIRST FLOOR BALCONY, DEMOLITION OF UTILITY ROOM AND ALTERATIONS TO PARKING AREA	GRANTED WITH CONDITIONS	09.01.2014
13/1205	VARIATION OF STANDARD CONDITION TO EXTEND PERMISSION FOR A FURTHER 5 YEARS FOR THE ERECTION OF A DETACHED DWELLING AND REVISED ACCESS (08/1083)	GRANTED WITH CONDITIONS	31/07/2019 18.05.2023
17/0386	ERECTION OF DETACHED DOUBLE DOMESTIC GARAGE AND PARKING SPACE WITH ASSOCIATED LAND LEVEL REDUCTION	REFUSED	29/06/2017
19/0591	RETENTION OF SUMMERHOUSE		31/07/2019
23/0119	VARIATION OF CONDITION 01 (MATERIALS AND FINISHES), 06 (MEANS OF ENCLOSURE) AND 07 (SURFACE WATER) AND REMOVAL OF CONDITION 02 (CODE FOR SUSTAINABLE HOMES), 10 (CODE FOR SUSTAINABLE HOMES) AND 11 (CODE FOR SUSTAINABLE HOMES) OF PLANNING PERMISSION 13/1205 FOR VARIATION OF STANDARD CONDITION TO EXTEND PERMISSION FOR A FURTHER 5 YEARS FOR THE ERECTION OF A DETACHED DWELLING AND REVISED ACCESS (08/1083)	GRANTED WITH CONDITIONS REFUSED	18/05/2023
24/0804	PROPOSED GARDEN ROOM (RETROSPECTIVE)		5/12/2024
25/0165	CONSTRUCTION OF DOUBLE GARAGE WITH STUDY ABOVE		26/06/2025

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP5 (Countryside)
- SP8 (Special Landscape Areas)
- SP9 (Conservation of the Natural, Historic and Built Environment)
- GP2 (General Amenity)
- GP4 (Highways and Accessibility)
- GP5 (Natural Environment)
- GP6 (Quality of Design)
- M1 (Safeguarding of Mineral Resource)

5.4 SUPPLEMENTARY PLANNING GUIDANCE

House Extensions and Domestic Outbuildings

Mineral Safeguarding

Wildlife and Development

Trees, Woodland, Hedgerows and Development Sites

6. CONSULTATION RESPONSES

6.1 Local Highways Authority:

Highway recommendation:

No objection.

Highway Comments:

The proposals do not impact highways and the original consent takes account of access and parking issues.

6.2 Ecology officer: I have considered the Bat Survey Report V1.0 dated June 2025, and note that the building is confirmed as a bat roost.

In accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case', and so the standing advice is that we do not need to consult NRW on this application. This is with the proviso that the recommendations of the Bat Survey Report are implemented.

In this instance, my advice is that the Bat Survey Report, and in particular its Concluding Remarks and Recommendations (Section 9.0), is suitable for this purpose. Therefore we should use a planning condition to require that all of the avoidance, mitigation and compensation measures set out in Section 9.0 are implemented.

Please note that an EPS Licence issued by NRW will still be needed to allow the proposed works to take place. That licence will be issued subject to a series of conditions, which will

include the implementation of the mitigation measures set out in section 9.0 of the Bat Survey Report, together with any other that NRW require.

6.3 Tree officer: In the absence of tree and hedge information there are objections to this application. A layout plan is required with the tree and hedge information shown as an overlay. Details of Suds areas and swales etc should be shown as above (if required).

6.4 Landscape officer: I refer to our former landscape officer's comments which should be addressed:

"The proposal is within the Countryside and Wentwood Special Landscape Area. There is currently insufficient information submitted as to determine the effects of the proposal on the landscape character and no landscape plan submitted, and thus objections to be made. A high-quality landscape scheme demonstrating an enhancement of the landscape as per policy GP5 and sympathetically integrated into the landscape as per policy SP8 should be submitted, these plans should include specification of the entrance gate (pictured below September 2023) and surface materials."

The proposal should meet the requirements of GP5 General Development Principles – Natural Environment :

1. The proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh, and/or Newport biodiversity action plans.
2. The proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh section 4232 and local protected habitats and species, and protecting features of importance for ecology.
3. The proposal will not result in an unacceptable impact on water quality.
4. The proposal should not result in the loss or reduction in quality of high-quality agricultural land (grades 1, 2 and 3a).
5. There would be no unacceptable impact on landscape quality.

No objections in principle however, the proposals would have an adverse effect on landscape character. No landscape proposals have been submitted which should provide details on any alterations to access arrangements (pedestrian and vehicular), as well as proposals to the immediate hard and soft landscape adjacent to the development which would without doubt be impacted during construction.

To satisfy the above comments the following information should be submitted for approval:

- An appropriate landscape/planting plan with details to include:

- o Species
- o Specification
- o Size
- o Spacing
- o Position

- A hard landscape/materials plan with details to include:

- o Surfacing
- o Edging
- o Boundary treatment
- o Enclosures
- o Walls

Sustainable materials and supplementary planting for landscape character and biodiversity benefits would be favourable. It is recommended that a suitably qualified landscape professional is commissioned to undertake the above requirements.

6.5 NATURAL RESOURCES WALES: We have no objection to the proposed development as submitted and provide the following advice.

European Protected Species

We note that the information submitted in support of the above application, Bat Survey, Ecological Serviced Ltd, dated June 2025, has identified that bats are present at the

application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to 'demonstration of no detriment to the maintenance of the favourable conservation status of European protected species'.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We recommend that you discuss the need to secure any avoidance or mitigation measures with your internal ecological advisor.

We advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Parc Seymour Woods Site of Special Scientific Interest (SSSI)

The Parc Seymour Woods SSSI is within 130 meters of the site.

We have considered the documents submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Parc Seymour Woods SSSI is of special interest.

Modifications to the scheme as currently proposed may affect our view, and may merit a further consultation with us.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 10th July 2024, Site Notice was put up on 19th July 2024.

7.1 NEIGHBOURS: No responses received.

7.2 PENHOW COMMUNITY COUNCIL: Members noted that they had recently responded to a planning application for this site. It was noted that again, the plans submitted did not show all the buildings/development on the site. Members felt that they are unable to support application 24/0563 at present, as the plans submitted do not truly reflect the layout of the development site and members were unable therefore to consider whether there is sufficient room on site for the proposed side and rear extensions which will effectively double the size of the dwelling. If approved, the development may appear overdeveloped.

8. ASSESSMENT

8.1 Principle of Development:

The application site is located within the urban boundary wherein the principle of development is deemed to be acceptable subject to compliance with the relevant policies contained within the Development Plan, albeit the site is located at the edge of the settlement boundary, and this is a material factor.

8.2 As noted above, planning permission was granted in 2012 for a development that is comparable in terms of both scale and design. This permission will have lapsed if not already implemented. Whilst the applicant advises that the development has commenced and is up to damp proof course level, a Certificate of Lawful Development has not been sought in relation to this application and therefore no formal determination has been issued with regard to this permission or its implementation. Notwithstanding this, the site was then and is still now within the settlement boundary and whilst determined under the Unitary Development Plan (since replaced by the Local Development Plan) both plans contain policies requiring

good quality design. Regardless of whether or not the permission has been implemented, the fact that planning permission was granted for a scheme that is similar in terms of scale and design to the current one, is a material consideration.

8.3 Design/ Visual Amenity;

The property is sited side-on to the highway and was largely screened from the road by trees and hedgerow. However, the recent clearance of boundary vegetation has opened up views into the site as can be seen from the image below:



- 8.4 The extensions are proposed to be located to the front, side and rear of the dwelling. They would be highly visible from the highway and would have the appearance of a considerable addition to the dwelling, effectively doubling the width of it and increasing the ridge height. As noted above, the property is located within the village boundary and as such there is no policy restriction in terms of increasing the size of the property. Notwithstanding, good quality design will be sought in all forms of development and the Council's Supplementary Planning Guidance for House extensions states that side extensions should be set back from the front elevation of the host dwelling by a minimum of 1m in order to ensure they have a subordinate appearance and to help limit impact on neighbouring symmetry.
- 8.5 In this instance, the two storey extension would not be set back from the front elevation although it would be set back from a single storey lean-to element. The two storey extension would have a gable roof design which would duplicate the design of the host dwelling with a largely glazed façade linking the two elements. The design is broadly similar to the previously consented scheme with the most notable differences being the first floor glazed element between the two gables and increase in height of the ridge. The applicant advises that design proposals are primarily driven by the applicant's need for improved accessibility and will enable an internal lift to be installed.
- 8.6 As the application property is detached, neighbouring symmetry would not be impacted and so it is not considered that there would be any visual harm as a result of the lack of a setback. The scale of the extensions is undoubtedly large. However, their visual impact is reduced as they are sited to the side of the property furthest away from the highway. Furthermore, the property is not considered to have any historical or design merit, potentially having been altered in the recent past, somewhat unsympathetically and lacks architectural detailing. The proposed gable ended design, ground and first floor glazing and raising of ridge height is considered to be acceptable and would not result in a detrimental impact to the visual amenity of the area.
- 8.7 Planning permission was recently refused for the construction of a double garage with study above. The application was refused for reasons of overdevelopment and unsympathetic design and due to the lack of biodiversity enhancement information and it was noted under that application that works had been undertaken on site to facilitate the development including

landscape clearance, engineering works and widening of the vehicular access off Wentwood Road. This refused development was particularly prominent being located opposite the access. In this case, the majority of the development would be sited to the eastern side of the property which is the opposite side to the highway and the visual impact is therefore reduced but the proposals are nonetheless visible and acknowledged as substantial enlargement of the property. The works to widen access etc are not being applied for as part of this application and such works and landscape removal that has taken place are somewhat regrettable and appear unjustified. Works to widen the access likely require separate planning permission. Works to reinforce landscape are necessary to help integrate the development with its surroundings and conditions are required to secure this. Furthermore, it is noted that permission has previously been given for comparable development on the site and whilst there have been Development Plan and on site changes during the intervening period, Plan changes do not warrant a contrary decision in this case and on site changes have been discussed above.

8.8 Residential Amenity:

There would be a distance of 23m between the development and the nearest residential dwelling to the south and the proposal are not considered to result in an adverse impact to neighbouring residential amenity.

8.9 Movement:

The proposals do not affect vehicle movement or parking provision. The Council's Highways officer confirms no objection is offered to the proposals.

8.10 Biodiversity:

Due to the potential for the property to host bats and the proposals including works to the roof, a bat survey has been undertaken. The building is confirmed as a bat roost. The Council's Ecology officer advises that in accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case'. In this instance, the Ecology officer's advice is that the Bat Survey Report, and in particular its Concluding Remarks and Recommendations (Section 9.0), is suitable for this purpose. Therefore, a planning condition should be used to require that all of the avoidance, mitigation and compensation measures set out in Section 9.0 are implemented.

8.11 The proposals include biodiversity enhancements in the form of raised bat access tiles and sparrow boxes, which are considered to be proportionate to the development.

8.12 Landscaping/ Trees:

The Council's Tree officer has objected to the proposals in the absence of tree and hedge information. However, there are no trees in the vicinity of the works and it is therefore not considered that such information is justified. Similarly, whilst some site vegetation clearance has taken place, this was not related to the current proposals.

8.13 Whilst the Council's Landscape officer has confirmed no objections are offered in principle, he advises that the proposals would have an adverse effect on landscape character and has requested a landscape/planting plan be provided which provides details relating to any alterations to the access, as well as proposals to the immediate hard and soft landscape adjacent to the development which would be impacted during construction.

8.14 Whilst the Landscape officer's comments are duly noted, reference is made to the site being within the countryside and Special Landscape Area (SLA) which is not correct. The site lies within the settlement boundary and outside the SLA, although adjacent to it. Furthermore, as previously noted, the majority of the development would be sited to the eastern side of the property which is the opposite side to the highway and the visual impact is therefore reduced. The works to widen access etc are not being applied for as part of this application.

8.15 The proposals include some additional planting along the western boundary of the site adjacent to the highway as indicated on the proposed block plan. In response to this the

Landscape officer advises that the information shows some notional planting of which the specification and details are insufficient and although the native hedge mix would be welcome, there is insufficient detail on sizes and spacing. The landscape details are not sufficiently detailed in the GIS and a condition will be necessary to robustly secure these.

8.16 Given the inadequacy of the information relating to the planting shown on the block plan adjacent to the western/highway boundary, i.e. insufficient specification and details, it is considered that a condition requiring further details specifically relating to this is justified.

8.17 **Other Issues**

The site is located in a mineral safeguarding zone, however due to the householder nature of the application, the proposal is not considered to prejudice the extraction of this resource and therefore is considered acceptable in accordance with policy M1.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. **CONCLUSION**

10.1 The proposed development is considered acceptable and will not result in an adverse visual impact to the rural character of the area, or to the host dwelling subject to the submission of landscape details via planning condition.

10.2 The proposals will not result in a detrimental impact to neighbouring amenity.

- 10.3 Suitable biodiversity enhancement is proposed and can be secured by condition, as well ensuring that the development is carried out in accordance with the recommendations of the bat survey.
- 10.4 The application is granted subject to the following conditions.

11. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: SD299-04E, SD29903G, SD299-00C, Bat Survey, Version V1.0, June 2025. Green Infrastructure Statement.

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 use of the extension as hereby approved, biodiversity enhancement shall be provided in accordance with the approved details and shall thereafter be permanently retained.

Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

03 Notwithstanding the details provided, prior to the commencement of construction above slab level, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting to the western site boundary (indicating the number, species, heights on planting and positions of all trees and shrubs and a management schedule/plan). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the substantial completion of that development or immediately following confirmation of the LPA written approval of landscape details (whichever is sooner). Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with the agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policies SP5 and GP6 of the NLDP.

General conditions

04 The development as hereby approved shall be carried out fully in accordance with the mitigation and compensation details (Section 9.0) of the accompanying Bat Survey, Version V1.0, June 2025.

Reason: In the interests of protecting European Protected Species and in accordance with Policy GP5 of the NLDP.

05 The external surfaces of the extension hereby permitted shall only be of materials to match those of the existing building.

Reason: To ensure the development is completed in a manner compatible with its surroundings and in accordance with Policy GP6 of the NLDP.

06 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

NOTE TO APPLICANT

01 This decision relates to plan Nos: SD299-00C, SD299-04E, SD29903G, SD299-102, SD299-05B.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, SP8, SP9, GP2, GP4, GP5, GP6 and M1 were relevant to the determination of this application.

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

04 Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species licence.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.