

Planning Statement

Proposed Subdivision of curtilage and erection of two dwellings

To the rear of 94 and 96 Allt-Yr-Yn Avenue, Newport

Introduction

This Planning Statement has been prepared on behalf of the applicant, Anthony James in support of a planning application for planning consent under the Town and Country Planning Act 1990, as amended (the 1990 Act), for the proposed development of two dwellings to the rear of 94 and 96 Allt-Yr-Yn Avenue Newport, located within the planning authority area of Newport City Council (NCC).

Purpose and Structure of the Statement

The purpose of this Planning Statement is to describe the proposed development for which planning permission is sought and to outline how the proposals respond to, and comply with, relevant national and local planning policy to be weighed by NCC, as the determining authority for this planning application.

The Statement focusses on how the current proposals have responded to the Council's reasons for refusal of the previous Reserved Matters application for this site, as the basis for the scheme's compliance with relevant policies and guidance to permit NCC's determination of the development proposal without delay.

This Planning Statement has been produced to provide information to assist NCC as the determining body for the planning application, and for consultees and other stakeholders to be informed about the proposed development.

This Planning Statement should be read in conjunction with the following supporting reports and drawings accompanying the application, comprising of:

- Site Elevations 1 of 2 as Proposed
- Site Elevations 2 of 2 as Proposed
- Perspective Views 1 of 2 as Proposed
- Perspective Views 2 of 2 as Proposed
- Site Plan as Proposed
- Landscape Proposals
- Lower Ground Floor Site Plan as Proposed
- Ground Floor Site Plan as Proposed
- First Floor Site Plan as Proposed
- Second Floor Site Plan as Proposed
- Roof Plan as Proposed
- Site Sections 1 of 2 as Proposed
- Site Sections 2 of 2 as Proposed
- Retaining Wall Site Sections as Proposed

Planning History

A previous Reserved Matters application (Reference No. 22/0588) relating to the layout, scale, appearance and landscaping attached to outline planning permission (Reference No. 19/0124) at the application site was refused permission by NCC on 11th May 2023 on the following grounds:

The proposed development by reason of its overly contemporary design (with flats roofs and extensive glazing), bulky garages and extensive use of stonework and hardstanding represents poor design in the context of the character of the surrounding area. It fails to address the local distinctiveness of the surrounding area, which is characterised by traditional and verdant properties. The proposed dwellings would be an incongruous addition to the area, which would be visually

harmful to the surrounding area. This is contrary to the placemaking agenda of Planning Policy Wales (Edition 11), policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the New Dwellings Supplementary Planning Guidance (adopted August 2015).

Proposed Development

The proposed development the subject of this application is located within the rear gardens of 94 and 96 Allt-Yr-Yn Avenue which comprises of two large detached dwellings. The application site fronts onto Allt-Yr-Yn View to the north, where a similar row of properties to the east have been built within similarly large rear gardens.

The proposal is for two detached dwellings set back from Allt Yr Yn View and elevated above flat roofed garages set forward of the dwellings with hard surfacing in front, including a turning head and access from Allt Yr Yn View. The dwellings are to be accessed by steps opening onto green roofs above the garages, enclosed by glazed balustrades.

Each dwelling is 10.8m deep, 12.8m wide and 8.8m high, with pitched gabled roofs in brown concrete roofing tiles. The external walls will be finished in a smooth faced render (off white), stonework, timber cladding and anthracite grey windows and doors. The rear gardens measure 11.3m by 15.7m, enclosed by 1.8m high timber fencing, extending along the side boundaries with neighbouring properties.

There would be a hard surfacing in front of the garages (treated with a grass filled geo-grid), which includes a turning head and access would be as per the Outline permission. 5.4 Design 5.4.1 The layout of the proposed development is the same as that shown indicatively within the Outline application submission, that is, two storey properties, set back from Allt Yr Yn View and elevated above triple garages. They would be positioned to follow the existing pattern of dwellings which front onto Allt Yr Yn View. As required by condition 5 cross section and slab level details have been provided. These show the relationship with the neighbouring dwelling (57 Allt Yr Yn View). The proposed dwellings would be set marginally lower than the neighbouring dwelling and they would occupy a similar footprint in terms of their depth. The garages would be set forward of the dwelling and this follows a similar pattern as the neighbouring property, albeit the proposed garages would be set back further from the road.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan material to the Proposed Development is provided by the Newport Local Development Plan 2011-2026 (adopted January 2015).

At a national level, Planning Policy Wales (PPW) 11th Edition (Welsh Government, February 2021) provides relevant planning guidance. PPW is supplemented by a series of Technical Advice Notes (TANs) providing technical advice. TAN 12 Design provides advice on design issues which must be taken into account by LPAs when deciding planning applications.

Relevant national policy guidance is considered further below.

Planning Policy Wales (PPW) 11th Edition (Welsh Government, February 2021)

Paragraph 3.4 states clearly that, *'meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.'*

Paragraph 3.9 states that, *'the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.'*

Paragraph 3.16 advises that, *'if a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.'*

Technical Advice Note 12 – Design (Welsh Government, March 2016)

Paragraph 2.6 states that, *'design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.'*

Paragraph 4.9 requires that a *'thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.'*

Paragraph 5.11.4 advises that, *'the location and definition of public and private space and the design of boundary treatment are particularly important for housing. New development should take account of the existing relationship of buildings to landscape and the local means of boundary definition such as hedges, walls and fences. In general, every effort should be made to orientate dwellings so that they front existing roads and spaces, ensuring a balance with the need to promote features of environmental sustainability. The relationship of the perimeter of a development to its setting is important and developments which turn their back on existing roads do not integrate well with their context.'*

The following Local Plan Policies are pertinent to the determination of this application:

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 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 H6 Sub-division of Curtilages, Infill and Backland Development permits such development only where it does not 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.

Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.

New Dwellings Draft Supplementary Planning Guidance (NCC, February 2029)

NCCs draft SPG provides detailed guidance on a range of planning and development issues associated with proposals for new dwellings, as follows:

ND 4.1 (New development, neighbouring buildings and the surrounding area) states: *'Without merely imitating existing styles, new residential development should harmonise with neighbouring buildings and the surrounding area.'*

ND 4.2 (Natural light, privacy and perceived space for neighbours) states: *'New residential development must maintain adequate natural light, privacy and perceived space for the occupants of neighbouring dwellings.'*

ND 6.1 (Private amenity space) states: *'In most cases, the majority of a household's private amenity space should be located at the back of the house.'*

ND 6.2 (Back gardens) states: *'In most cases, a back garden should extend at least 10.00 metres from the rear elevation of a house.'*

ND 7.1 (Protected windows and separation distances): *'In order to ensure that all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and proposed dwellings.'*

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ND 8.1 (25° or 45° Test for natural light): *'Development that fails either the 25° or 45° test (as relevant) for natural light in relation to a neighbours protected window is unlikely to be acceptable.'*

ND 9.1 (Protected windows and blank two-storey elevations): *'Development that reduces the distance between a protected window and a blank twostorey elevation to less than 14.00 metres is unlikely to be acceptable.'*

Planning Considerations

In accordance with the Town and Country Planning Act 1990 all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant planning considerations, based on the matters set-out in the Council's Decision Notice and Planning Officer's Report in relation to the refused Reserved Matters application, are as follows:

- Design
- Bulky Garages
- Landscaping
- Residential Amenity
- Highways
- Local Distinctiveness

Each of these matters is responded to in detail below:

Design

Contemporary design (with flat roofs and extensive glazing)

In its reasons for refusal, NCCs Decision Notice referenced the overly contemporary design (with flat roofs and extensive glazing).

The Planning Officers Report highlighted the contemporary design of the dwellings and their modular appearance, elevated above the road, with the dominant elevation at street level being the large triple garages.

The current proposals have sought to address these concerns, proposing a less contemporary design solution with the introduction of pitched roofs and gable ends, reflective of the more traditional form of neighbouring dwellings.

The scheme design has also reduced the amount of glazing to the front elevation, with a greater solid to void ratio and with the external finishes to both dwellings now providing a more basic natural palette of materials:

- A : BROWN CONCRETE ROOFING TILES
- B : ANTHRACITE GREY WINDOWS & DOORS
- C : TIMBER CLADDING
- D : OFF WHITE SMOOTH FACED RENDERED EXTERNAL WALLS
- E : STONWORK EXTERNAL WALLS
- F : BLACK RAINWATER GOODS ON BLACK FASCIA

Bulky garages

In its reasons for refusal, NCCs Decision Notice referenced the proposed bulky garages as being unacceptable.

The Planning Officer's Report noted that the bulk of the garages would be the prevalent experience of the site when viewed from street level. This was considered to have, '*a hard impact on an otherwise semi-rural lane, with its verdant character and this is considered to be visually harmful.*'

The scale and massing of the garages have been reduced from 10.4m wide to 8.1m wide, with a combined width reduced from 20.8m to 16.2m. Both garages now propose single, rather than double doors garage doors in a timber finish that is more in keeping with the overall scheme design.

To further address the concerns raised regarding the hard edge of the development at street level, a grass filled geogrid system is proposed for the hardstanding area in front of the garages to help soften its appearance and not to read as a hardstanding.

Landscaping

The Planning Officers Report concluded that the landscaping proposals did not provide sufficient mitigation to the overall design of the houses and garages.

The proposed landscape scheme has responded to these concerns with the stonework boundary to the front of Allt-Yr-Yn View replaced with a low level hedgerow, and increased planting to provide a more verdant environment in keeping with the character of the surrounding area.

Residential Amenity

The Planning Officer's Report assessed the previous application in relation to NCCs draft SPG on New Dwellings to consider whether adequate privacy and amenity space was achieved.

In line with the draft SPG garden depths are still greater than 10m, with more than 21m between the first floor windows (and balconies) of the proposed dwellings and neighbouring properties.

Similarly, balconies to the rear of the dwellings are as previously proposed. These were previously considered acceptable with no significant overlooking of neighbouring gardens, as well as screening views from the large bedroom windows. In addition, similar ground floor windows are proposed in the side elevation of the dwellings to protect the privacy of neighbouring properties.

Highways

Access to serve the proposed development remains to be provided off Allt Yr Yn View and as previously, in accordance with NCCs Parking Standards SPG three parking spaces (for four bedroomed properties) will be provided within the garages.

Local Distinctiveness

In its reasons for refusal, NCCs Decision Notice referenced that the development had failed to address the local distinctiveness of the surrounding area, characterised by traditional and verdant properties, with the dwellings being an incongruous addition to the area and visually harmful.

The Planning Officers Report raised similar concerns regarding the form and character of the houses when viewed in the context of the 'prevailing traditional character of the area,' and that the proposed design had failed to respect the local distinctiveness of the area.

Through a combination of changes to the scale, form and appearance of both dwellings and garages, with increased planting, including the introduction of a low level hedgerow and the softening of the hardstanding area to the front of the property with a grass filled geogrid system, an acceptable scheme design is proposed, reflective of and compatible with the character of the surrounding area.

Policy Compliance

The proposed development has been assessed primarily against NCCs reasons for refusal of the Reserved Matters application, setting-out how each of these have been addressed, in demonstrating how the proposed development accords with national and local planning policy and relevant guidance.

In accordance with Planning Policy Wales, the scheme proposals have demonstrated the regard paid to the special characteristics of the area, whilst also meeting the objectives of good design. In line with TAN 12, the scheme design has taken account of local context, recognising the importance of setting and the relationship of the development to its landscape context.

The Development Plan sets out a number of policy tests to be complied with in respect of new development proposals. The requirement that proposals should harmonise with neighbouring buildings and the surrounding area, whilst maintaining suitable separation distances, including adequate natural light and privacy have been demonstrated, with buildings of an acceptable scale and form and with the use of appropriate materials.

At a detailed level, the prescriptive guidance set out in the draft SPG on New Dwellings in relation to distances between back gardens and the rear elevation of houses and in relation to protected windows and separation distances have also been met.

Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the proposed development is in accordance with the Development Plan, as provided NCCs adopted Development Plan, along with other material considerations including Planning Policy Wales and TAN 12, along with NCCs draft SPG on New Dwellings, which should be given considerable weight during the decision-making process.

A presumption therefore exists in favour of permission being granted for this proposed development and on this basis, it is respectfully requested that NCC grant planning consent.