

Delegated Decision Report

Application No:	24/1007	Statutory Period Expires:	11th July 2025
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Site:	Hillcroft Llandevaud Lane Llandevaud Newport NP18 2AD		
Proposal:	ERECTION OF A REPLACEMENT DWELLINGHOUSE AND ASSOCIATED HARD LANDSCAPING SCHEME (PART RETROSPECTIVE) (RESUBMISSION OF 23/0853)		
Applicant:	E Ivins		
Type:	Full	Ward:	Bishton And Langstone
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 There is recent planning history for the site in relation to the development being sought planning permission, which is listed in the table set out in Section 4 – Relevant Site History. Planning permission was granted in 2020 for a replacement dwelling under application reference 20/0358, which was submitted following pre application discussions where design, size and scale of the dwelling were cited as being an issue. Throughout the course of that application further negotiation between the applicant and the Local Planning Authority took place and the scheme was reduced in size and the single garage initially sought was removed and replaced with an open car port.
- 1.2 Following the commencement of construction, it became apparent that what was being built on site was not in accordance with the approved plans and was a departure from the planning permission.
- 1.3 Subsequently, planning application 23/0853 was submitted to regularise the unauthorised works, and also proposed additional features including a large front canopy and attached side double garage. The application was refused for the below reason;

01 The development, by reason of its scale, design and location is unsympathetic and will have a significant adverse impact upon the character and appearance of the surrounding rural area, contrary to policies SP5, GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).
- 1.4 That decision was appealed (CAS-03242-B7D3K5) and dismissed, with the Inspector raising concern with the proposed canopy and double garage.

2. SITE LOCATION AND CONTEXT

- 2.1 Hillcroft is located within a generously sized plot of approximately 0.2ha located within the countryside as defined by Policy SP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015). The site is located to the west of Llandevaud Lane with the levels of the site sloping gently from east to west. Laying beyond the site to the west is accessible natural greenspace, which is accessed to along the southern boundary of the site.
- 2.2 The area is rural in character and this section of Llandevaud Lane is characterised by detached properties of varying design and mature hedging either side of the highway that is, in parts manicured and domesticated with neat lawns and gardens visible through access points and over front boundaries. Llandevaud itself has seen a number of new residential properties constructed along the two primary roads running through the village in recent years although some of these would have been approved prior to the adoption of the Local Development Plan, which removed Llandevaud from the urban boundary.
- 2.3 Immediately to the north of the site lies a Public Right of Way (PROW), beyond that Ty-Crwys a detached bungalow with large plot and further beyond that North Hey, a contemporary two storey detached replacement dwelling. There are no residential properties immediately to the south of the site, however slightly further up the lane is The Cottage, a two storey dwelling that has undergone a recent redevelopment and enlargement.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking planning permission for the dwelling as it has been completed so far and with the proposed addition of a single storey side extension that would contain a utility room and a small canopy.
- 3.2 The dwelling is located broadly central within the site, which is approximately 0.20ha in size. The two storey body measures a width of 10.25 metres and by a maximum depth of 10.40 metres. It would have a pitched roof with a maximum height of 5.00 metres to the eaves and 8.50 metres to the ridge. A small monopitch porch is proposed in the front gable. The proposed single storey addition would measure 2.75 metres in width by 4.00 metres in depth, would measure 2.40 metres to the eaves and 4.30 metres to the ridge and would have a set back of 4.25 metres from the principal elevation.
- 3.3 The proposed layout at ground floor includes entrance hall that would lead to a study, sitting room and kitchen/dining space providing a link to the proposed utility room. The first floor comprises of 3no. en-suite bedrooms and there is provision of a home office and dressing room proposed within the roof space.
- 3.4 The front elevation has a natural stone finish with a slightly offset two storey gable projection, with front door and side lights at ground floor and single large window opening at first floor. Other fenestration in this elevation comprises of double and triple casement windows with stone sills and headers. Two roof lights are proposed within the front roof plane. Turning to the north east side elevation, this would be finished in roughcast render painted in off site, and the proposed single storey addition would match. The front elevation of the single storey addition would contain a double casement window and the rear would contain a single door. The rear elevation of the main dwelling includes a large two storey gable projection, four sets of full height doors with side lights and 2no. glazed balconies, as well as a roof light. It is also proposed for this elevation to be rendered. The south west side elevation is rendered, contains a chimney breast with facing brick stack and one full height ground floor window opening.



Figure 1 – Proposed Front and Rear Elevations

- 3.5 Externally, the site would utilise an existing vehicular access that would lead to a front driveway and turning area that would be retained by a stone wall. A scheme of planting has been provided to the front boundary and garden area, with the large rear garden comprising of a paved rear patio stepping down to open grassed area that is enclosed by hedgerow and 1.20m timber post and rail fencing. The existing front outbuilding is to be demolished.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
20/0358	CONSTRUCTION OF TWO STOREY DWELLING WITH ATTACHED GARAGE	GRANTED WITH CONDITIONS	16.07.2020

	AND ASSOCIATED DRIVEWAY TO REPLACE EXISTING DWELLING		
23/0853	ERECTION OF A REPLACEMENT DWELLING HOUSE WITH ATTACHED GARAGE AND ASSOCIATED HARD LANDSCAPING (PART RETROSPECTIVE)	REFUSED (APPEAL DISMISSED)	07.12.2023

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)

Policies SP1 (Sustainability), SP5 (Countryside), SP21 (Minerals), GP2 (General Amenity), GP4 (Highways and Accessibility), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), H12 (Replacement Dwellings in the Countryside), M1 (Safeguarding of Mineral Resource) and T4 (Parking) are also relevant to the determination of this application.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

NEW DWELLINGS

PARKING STANDARDS

6. CONSULTATION RESPONSES

6.1 Landscape: The site is elevated relative to views from the west and located at a gap in the rural settlement pattern but lies outside a Special Landscape Area.

Based on the approved and proposed site plans and rear elevations below the approved rear elevation has a modest first floor glazed balcony, the proposal has an extended balcony along the rear elevation and single storey extension and will be more prominent where visible.

As requested at pre-app stage and previous applications but yet to be submitted, views from a public right of way along the site boundary have not been assessed and so the impact of the proposed change to the rear elevation is unclear - the boundary hedge may provide summer screening but this is not likely through winter months. Photos are required.

Some planting is proposed, I recommended at pre-app stage this is provided by a professional landscape architect to identify impacts and then provide a suitable soft landscape mitigation plan, this has not been provided.

The Site Plan shows existing planting to be retained and new planting. Tree and shrub planting to the front is adequate but the tree size proposed at 1.5-2m half standard requires revision to more mature nursery stock.

No new tree planting is proposed to the rear to break up any views of the rear elevated elevation, and the use of 10no Choisya to break up the long rear elevation wall is inadequate. Planting to the rear is likely to require a more robust approach however this depends on visibility of the rear from the right of way and in the wider landscape which is yet to be evidenced.

Photos of the site to the house in all compass directions have been provided but not out from the house, again this was previously recommended. Photos are required to evidence assessment of the impacts.

- 6.2 Highways: The access has a short length of tarmac and a gate. The remainder of the drive is made up of loose stone. Albeit in a grid this will transfer to highway and raises safety concerns. In addition, the gate is close to the highway and does not allow vehicles to clear it when opening/closing the gate, adding to the concerns.

Conditions to locate the gate at least 5m from highway boundary at its closest point and have at least 5m of tarmac (shortest side) will be sufficient to address the concerns.

In summary, there are no objections on highway related grounds, subject to conditions.

- 6.3 Ecology: No response.
- 6.4 Waste: No objection.
- 6.5 Drainage: No response.
- 6.6 Environmental Health: No response.
- 6.7 Welsh Water Dwr Cymru: No objection.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 18th December 2024 and a Site Notice was put up on 20th December 2024.

- 7.1 NEIGHBOURS: Sharing a common boundary and located opposite the site were consulted (2no. properties). No responses have been received.
- 7.2 LANGSTONE COMMUNITY COUNCIL: No response.

8. ASSESSMENT

8.1 Principle of Development:

- 8.1.1 The principle of a replacement dwelling in the countryside is one that is accepted in the Newport Local Development Plan 2011-2026 (adopted January 2015) and on this site, permission has previously been granted with conditions. As such, the principle of constructing a larger dwelling that existing is established.
- 8.1.2 Notwithstanding the above, all material other planning considerations and national and local planning policies will need to be adequately addressed.

8.2 Design, Appearance and Visual Impact on the Countryside:

- 8.2.1 Policy H12 states that replacement dwellings outside of the settlement boundary should not be more than 30% larger than the original dwelling although a larger increase may be acceptable where it can be demonstrated that it would not have an adverse impact upon the character and appearance of the area. Previously (20/0358), the volumetric increase of the proposed dwelling has been negotiated and reduced to the approved increase of

approximately 500 cubic metres i.e. a 70% increase. As referred to in the officer report, the high quality of design, materials and finishes were considered to justify the extent of the increase.

- 8.2.2 The current application now proposes a further increase in the size of the main building through an increased depth of 0.55m than approved depth, a marginal increase in width of the two storey section and the increase in the height of the dwelling as built from 7.70 metres to 8.40 metres. As well as the proposed addition of the not yet built single storey utility room extension.

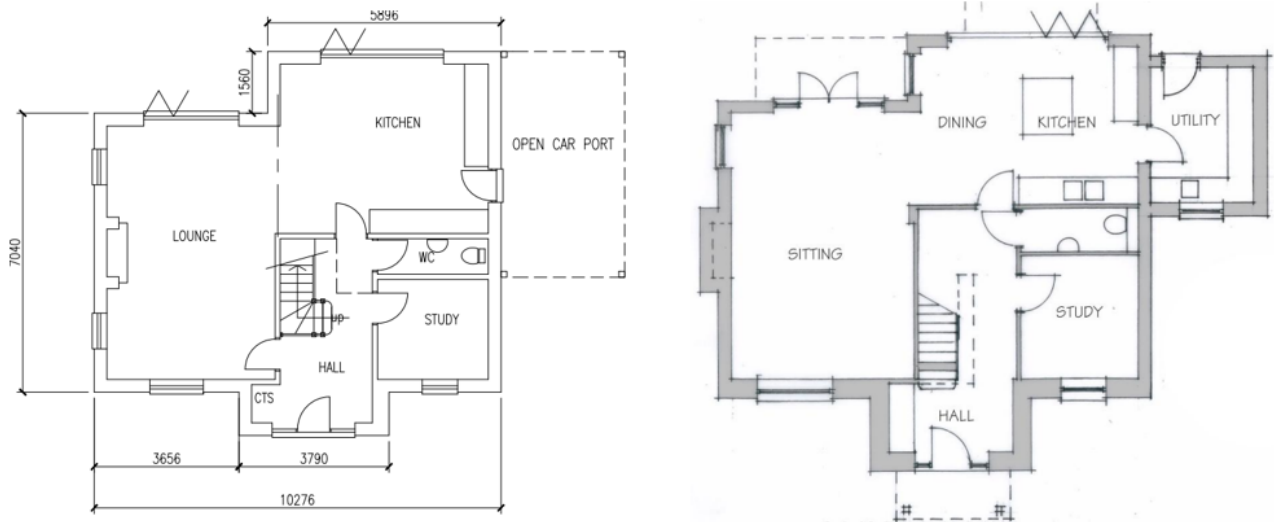


Figure 2 – Approved (20/0358) GF Plan and Proposed (24/1007) GF Plan

- 8.2.3 This application is silent on the overall volume increase from the original dwelling as a result of this application. However, with the increase in height and the addition of the single storey side extension it is evidently going to be increased further than the 70% permitted previously. Having been able to view the main body of the dwelling which is substantially complete on site, the increase in size whilst not strictly policy compliant, is considered to be acceptable on balance as in many respects retains the form and appearance of the approved house. There are notable alterations in the design of the two storey front gable, as well as other fenestration changes and architectural detailing removed from the approved scheme and these are considered to dilute the overall quality of the scheme, and this is disappointing particularly as design value justified the larger than usual replacement volume in the previous submission.
- 8.2.4 However, the general design and form of the dwelling as amended was not raised in the previously refused 23/0853 and was considered to be acceptable with the Inspector also sharing this view. In design terms, the single storey side extension is modest, set significantly back from the front elevation to remain subservient and its rendered finish sets it apart from the main body of the building. The proposed canopy is also very simple in design terms and will have a roof covering to match the main dwelling, helping with integration.
- 8.2.5 Overall, it is considered that the proposed design and appearance of the dwelling proposed as a whole is considered to be acceptable and complies with the objectives of Policy SP5, GP2, GP6 and H12 of the NLDP 2011-2026 (adopted January 2015).

8.3 Residential Amenity:

- 8.3.1 The scheme provides a high level of residential amenity for future occupiers owing to its size and internal layout, as well as outdoor amenity space.
- 8.3.2 In terms of impact on neighbouring amenity, the only real consideration would be for the amenity of the neighbouring property at Ty- Crwys. The property is adequately set away from the boundary as to not impact light or cause any overbesring impact. The additional balcony

in the rear elevation allows external views in the direction of this property, however there is a separation distance of approximately 17.0 metres to the garden boundary, with intervening hedge row and Public Right of Way. Any potential views are likely to be of the front and side garden, which also contains a number of trees that would act as screening.

8.3.3 Therefore, the residential amenity of both future occupiers and neighbouring properties are considered to be acceptable and in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

8.4 **Highway Safety & Parking:**

8.4.1 The scheme proposes to use the existing access and will provide adequate external space for car parking and turning of vehicles to egress onto the highway in a forward gear. The Highways Officer has requested that the gate is set back 5.00 metres from the highway to allow a vehicle to pull off the highway when entering the site and opening the gate. However the access and gate is existing and there is no intensification of use as a result of the proposal. It has not previously been requested that the gate is amended and it is not considered reasonable to do this, or request additional details via a planning condition.

8.4.2 It has also been requested that the first 5.00 metres of the site are hard surfaced so that loose materials are not carried onto the public highway. The existing access into the previous dwelling was hard surfaced, so allowing a loose surface now could be detrimental to highway safety. As such, it is considered necessary to control the surface material through a directive planning condition.

8.4.3 Overall, the proposal is considered to comply with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

8.5 **Landscaping and Ecology:**

8.5.1 The site is elevated relative to views from the west and located at a gap in the rural settlement pattern but lies outside a Special Landscape Area with the only designation being Countryside (Policy SP5). The Landscape Officer notes that the proposed rear elevation has an extended balcony along the rear elevation and a single storey extension and will be more prominent where visible. Views from the Public Right of Way have not been assessed and so the impact of the proposed change to the rear elevation is unclear. However, the rear elevation was assessed previously and alterations were accepted. It would now not be reasonable to ask for an assessment that was not requested of the applicant in the previous application. It is noted that the single storey side extension is a new introduction, however given its size and scale and the fact it would be viewed against the side elevation of the main dwelling this in itself would not be considered reason enough to now request additional analysis.

8.5.2 In the original 20/0358 approval, the submission for a scheme of landscaping was controlled through a planning condition. A discharge of condition application was made and was refused as information was not sufficient to meet the requirements of the condition.

8.5.3 A scheme of soft landscaping has been submitted and shown on the proposed site layout plan, and separate details of a planting and maintenance schedule have also been included. Comments from the Landscape Officer advise that existing planting is to be retained as well as new planting proposed. Tree and shrub planting to the front is adequate but the tree size proposed at 1.5-2m half standard requires revision to more mature nursery stock. No new tree planting is proposed to the rear to break up any views of the rear elevated elevation, and the use of 10no Choisya to break up the long rear elevation wall is inadequate. The dwelling is greater in size and scale than the previous property at the site, thus the visual impact from the PROW is greater. Planting to the rear is likely to require a more robust approach to soften views from PROW as the property is visible as your approach from the adjacent field. There is no reason to suggest that adequate information cannot be required and therefore a planning condition requiring submission of a scheme of landscaping can be conditioned.

8.5.4 It is considered that the submitted scheme of landscaping is not adequate, however a condition can be used to control submission of final details, which requires amendment as per the Landscape Officers comments.

8.6 **Drainage:**

8.6.1 The scheme will require SAB approval given the construction area of development is in excess of 100sqm. This is a separate process, but from a layout perspective there appears no reason to suggest this would not be achievable and there is no reason to withhold planning permission.

8.6.2 Welsh Water Cwr Cymru have confirmed that capacity exists within the public sewerage network to receive domestic foul only flows from the proposed development site. An existing public sewer runs through the rear garden and WWDC have requested no development within 3 metres either side, which is maintained. The connection to the Foul Water sewer is to be made in the rear and is shown on the proposed site plan, so can be secured by condition. Separate consent will be required with WWDC for this.

8.6.3 The scheme is acceptable from a drainage perspective and complies with Policy SP1 and GP3 of the NLDP 2011-2026 (adopted January 2015).

8.7 **Minerals**

8.7.1 The site is located within a safeguarding of mineral resource area and Policy M1 aims to control development that may impact the resource. In this instance, the proposal is the redevelopment of an existing residential plot and there is not considered to be any impact on mineral resource different to the lawful residential use of the site.

8.7.2 As such, the proposal is compliant with Policy M1 of the NLDP 2011-2026 (adopted January 2015).

9. **OTHER CONSIDERATIONS**

9.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

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

9.3 Having due regard to advancing equality involves:

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

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

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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the

application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 Newport's Well-Being Plan 2018-23

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

10. CONCLUSION

10.1 The proposal is considered to be acceptable and complies with the relevant policies as per the NLDP 2011-2026 (adopted January 2015).

10.2 Planning permission is granted with conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 752/3/02 – Proposed Site Plan (Excluding Proposed Landscaping); 752/3/03 – Proposed Floor Plans; 752.3.04 – Proposed Elevations 1; 752.3.05 – Proposed Elevations 2; Schedule of Materials and Finishes

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

Scheme of Soft Landscaping

02 The dwelling hereby permitted shall be demolished and completely removed from the site within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i) within 3 months of the date of this decision a scheme of soft landscaping and management plan, including species, spacings and height when planted of all new planting, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

ii) if within 11 months of the date of this decision the local planning authority refuse to approve the landscaping scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.

iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Welsh Ministers.

iv) the approved landscaping scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of safeguarding landscape character and enhancing biodiversity, in accordance with LDP Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Chapter 6 of PPW 12 and Future Wales Policy 9.

Foul Drainage

03 The foul drainage system for the site shall be undertaken in accordance with the details shown on the approved plans, which shall be implemented in full prior to the occupation of the dwelling and retained thereafter.

Reason: To ensure adequate drainage is provided in accordance with Policy GP3 of the NLDP 2011-2026 (adopted January 2015).

Demolition of Outbuilding

04 The existing timber outbuilding shall be demolished in its entirety within 3 months of the date of this permission.

Reason: In the interests of protecting the rural character and appearance of the surrounding countryside in accordance with Policy SP5 NLDP 2011-2026 (adopted January 2015).

Bird and Bat Boxes

05 The bird and bat nesting boxes as shown on the approved plans shall be installed in the south west side elevation of the dwelling hereby approved and retained thereafter.

Reason: In the interests of providing ecological enhancement in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

Removal of Permitted Development Rights – Classes A to F

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 1, no development within Classes A, B, C, D, E or F shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place and to protect the amenities of occupiers of adjoining properties and the countryside in accordance with Policy SP5 and GP2 of the NLDP 2011-2026 (adopted January 2015).

Removal of Permitted Development Rights – Means of Enclosure

07 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 means of enclosure shall be erected on site without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the visual amenities of the countryside in accordance with policies GP2 and SP5 of the NLDP 2011-2026 (adopted January 2015).

Hard surfacing of Access

08 The first 5 metres of the access into the site shall be completed in a bound material and retained in that state thereafter.

Reason: To prevent loose material entering the highway in the interest of highway safety in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

External Finishes & Materials

09 The dwelling hereby approved shall be completed in the external materials and finishes as per the approved plans and documents.

Reason: To ensure that the dwelling is finished in acceptable materials in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Covering Letter; Photographs.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP21, GP2, GP4, GP5, GP6, GP7, H12, M1 and T4 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.