

# Delegated Decision Report

<b>Application No:</b>	24/0939	<b>Statutory Period Expires:</b>	23rd April 2025
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<b>Site:</b>	36 The Nurseries Langstone Newport South Wales NP18 2NT		
<b>Proposal:</b>	SINGLE STOREY SIDE EXTENSION CONTAINING A HOME OFFICE, STUDY AND STORAGE ROOM		
<b>Applicant:</b>	S Hagerty		
<b>Type:</b>	Full	<b>Ward:</b>	Bishton And Langstone
<b>Decision:</b>	GRANTED WITH CONDITIONS		

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 36 The Nurseries is a detached 2no storey property situated in the Bishton and Langstone ward, displaying a front driveway. Properties in The Nurseries are mostly detached with internal garages displaying both render and brick external walls. Few have alterations to the front or side elevations.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to erect a side extension measuring 2.9m in width, 8.3m in depth, 2.3m to the eaves and 2.6m to the bottom of the roof slope. The pitch of the roof reaches 6.2m high. It appears to show accommodation in the roof space albeit primary space is at ground floor. The roof will be concrete tiles to match the existing, the external walls will be facing brickwork to match the existing and the windows, doors and rainwater goods will all be white uPVC to match the existing. A vertical casement window is proposed on the front elevation of the proposed side extension as well as a 1no pane skylight. On the rear roof, another 1no pane skylight is proposed as well as a 2no pane casement window and door on the rear elevation.

## 4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
90/1003	RESIDENTIAL DEVELOPMENT – RESUBMISSION FOLLOWING REFUSAL OF APPLICATION 89/0300/O	R	09.11.1990
89/0300	RESIDENTIAL DEVELOPMENT	R	08.09.1989
99/0987	DISCHARGE OF CONDITION 04 (MATERIALS) AND 06 (ARCHAEOLOGICAL STUDY) AND PARTIAL DISCHARGE OF CONDITION 05 (LANDSCAPING) AND 10 (MEANS OF ENCLOSURE) RELATING TO PLANNING PERMISSION 99/0190/F	A	23.12.1999
99/0190	REVISED APPLICATION FOR THE ERECTION OF 73 RESIDENTIAL DWELLINGS WITH ASSOCIATED HIGHWAYS INCLUDING JUNCTION IMPROVEMENT TO OLD CHEPSTOW ROAD WITH A48	GC	09.08.1999

## 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)

- GP2 (General Amenity)
- GP6 (Quality of Design)

## 5.4 SUPPLEMENTARY PLANNING GUIDANCE HOUSE EXTENSIONS AND DOMESTIC OUTBUILDINGS SPG

## 6. CONSULTATION RESPONSES

6.1 Ecology Officer: No comment

6.2 Landscape Officer:

The key landscape asset is the field boundary hedge with trees running north and south, a clear buffer between the pasture field and residential development. The hedge could be impacted by the proposal directly and may also cast shade onto the proposed extension until the afternoon.

Given the size of the adjacent trees as shown in Google Earth, it is highly likely that a tree and hedge survey to BS5837 will be required resulting in a clear constraints plan and protection plan. Please refer to the Tree Officer.

6.3 Tree Officer:

After evidence was submitted by a bona fide Tree Consultant to show that the proposals would not affect the rural and natural shape of the boundary hedge, there were no objections subject to conditions.

## 7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 17.12.2024.

7.1 NEIGHBOURS: 3no neighbours were consulted and no response was received.

7.2 COMMUNITY COUNCIL: Langstone Community Council was consulted, and no response was received.

## 8. ASSESSMENT

8.1 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states:

*'In most cases, a side extension that requires planning permission owing to its height or width should be set back at least one metre from the front elevation of the original building,*

*ensuring it is subordinate to the host building. Such a setback will reduce the visual impact of an extension, helping to maintain the character and appearance of both the original dwelling and the streetscape.'*

The proposed side extension is set back 0.4m and therefore, does not conform with the SPG. However, the property is set at the end of a cul de sac and the side extension will only partially be visible. Therefore, this is not considered to cause demonstrable harm to visual amenity and the smaller set back is acceptable.

- 8.2 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states:

*'Roof form is an important factor in achieving a visually acceptable extension. Buildings that mix pitched and flat roofs, for instance, will lack unity, in order to achieve a coherent form of development, an extension should adopt the roof form of its parent building, replicating its pitch and architectural detailing (including external materials).'*

The roof of the main dwellinghouse is pitched with gable ends. The proposed side extension has a pitched roof form but the pitch is marginally steeper than the main property. This appears to enable some accommodation in the roof space. The form is acceptable and compatible with the host property.

- 8.3 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states:

*'In all but exceptional circumstances, the external materials of an extension should be consistent with those of the existing building.'*

The materials are acceptable as they are proposed to match the existing.

- 8.4 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states:

*'The 45° test is required where any extension from an existing building line affects a protected window, that is it is required except when the 25° test applies'*

The side extension does not face a building or relevant structure and therefore will not adversely affect any protected windows by means of a loss of daylight or overbearing effect.

- 8.5 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states:

*'In order to preserve residents' privacy in their homes, suitable separation distances must exist between new protected windows and the protected windows in neighbouring houses. Windows in an extension must therefore be positioned carefully.'*

The proposed windows are acceptable in this regard. The rear windows overlook the rear garden, and the front windows look forward onto the street. The front elevation proposed windows do not face into a protected window within 21m as there are no houses facing opposite of No 36. There are no proposed windows on the side elevation.

- 8.6 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states:

*'The size and form of every extension should be appropriate to the main building and the space around it'*

The size and form of the extension would be appropriate to the main dwelling.

- 8.7 In accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and Planning Policy Wales edition 12, an ecological enhancement scheme commensurate with the scheme is required. This can be secured by condition.

- 8.8 The original submission was not accompanied by evidence or recommendations for the proposed tree works from a bona fide Tree Consultant and the NCC Tree Officer initially objected. Subsequently, an arboricultural assessment was undertaken to meet the Tree Officer requirements and the tree recommendations include no removal of the boundary fence or garden retaining wall within the curtilage of No36 as this serves as tree protection measures on site, careful excavation of trenches to the required depth to be overseen by an arboriculturist and a photographic record to be made available to NCC to demonstrate careful working and, if found, no roots are to be cut if in excess of 10mm diameter. The site arboriculturist should be informed in this case and work halted until the significance of roots be discussed and a resolution is found. The NCC Tree Officer supports these recommendations and objection is withdrawn.

## **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 proposed side extension is acceptable as it does not give rise to demonstrable loss of light or overbearing effect. Planning permission is granted with conditions.

## 11. DECISION

### GRANTED WITH CONDITIONS

#### *01 PLANS CONDITION*

The development shall be implemented in accordance with the following plans and documents:

- Existing and Proposed Plans and Elevations 1036(02) 24
- Proposed Elevations and Cross Section 1036(03) 24
- Tree Technical Note 24<sup>th</sup> March 2025

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

#### *02 ECOLOGICAL ENHANCEMENT CONDITION*

Prior to the commencement of development, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be implemented in accordance with the approved plans prior to the first beneficial use of the development hereby approved. The location and details of these must be shown on relevant plans.

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

#### *03 ARBORICULTURALIST CONDITION*

No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –

(a) Pre construction site meeting

(b) Ensuring compliance **with the Technical Note Treecare Consulting ( James Pinder ) 21 March 2025**

(b) Oversee working within any Root Protection Area

(d) Reporting to the Local Planning Authority;

(e) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- Site Location and Block Plan
- Existing and Proposed Plans and Elevations 1036(02) 24

02 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.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 **A pre-commencement site** meeting shall be held prior to any works commencing on site, to agree all approved processes with the appointed Arboricultural Consultant /NCC Tree Officer and construction personnel. To formally agree the methods of work, material storage, parking and tree protection measures prior to commencement of the development and the associated clearance work.

At the time of the meeting, points of contact and lines of communication will be established prior to commencement of the works on site.

Details of the meeting and project contacts should be forwarded to the Tree Officer at Newport City Council.