

Delegated Decision Report

Application No:	26/0244	Statutory Period Expires:	15th June 2026
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Site:	<i>Lulworth House Lulworth Road Caerleon Newport NP18 1QE</i>		
Proposal:	<i>INSTALLATION OF 10 SOLAR PANELS ON ROOF</i>		
Applicant:	<i>I Fitzgerald</i>		
Type:	Full	Ward:	Caerleon
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises a detached dwelling located within the Caerleon ward. It lies within the designated Caerleon Conservation Area and is also subject to the Caerleon Article 4 Direction. The Grade II listed Malt House is situated to the east of the site, with the rear elevation of the application property facing onto its front curtilage. The application site is also located within an archaeologically sensitive area and flood zone 3.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks consent to place 10no. solar panels on the rear roof slope of Lulworth House. Each solar panel would measure 1.762m in length and 1.134m in width. The solar panels would project approximately 0.12m from the roof slope.

4. RELEVANT SITE HISTORY

4.1 None.

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)

5.3.1 Policies CE6 (Archaeology), CE7(Conservation Areas), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design) and SP3 (Flood Risk) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

5.4.1 The House Extensions and Domestic Outbuildings and Parking Standards Supplementary

Planning Guidance (Adopted January 2020) are also relevant.

5.5 HISTORIC ENVIRONMENT ACT (2023) WALES

5.6 Consideration has also been given to the following documents:

- The Caerleon Conservation Area Appraisal (February 2020)
- Managing Conservation Areas in Wales (CADW)

5.7 TECHNICAL ADVICE NOTES

5.7.1 Technical Advice Note (TAN) 12: Design, Technical Advice Note (TAN) 15: Development, flooding and coastal erosion and Technical Advice Note (TAN) 24: The Historic Environment are relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 **Principal Heritage Officer:** Lulworth House is located within the Caerleon Conservation Area within which there is an Article 4 Direction restricting Parts 1 and 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended.

The property is also set in close proximity to the west of the Grade II Listed *The Malt House Hotel* (Cadw ref: 26126), wherein rear elevation of the applicant building directly overlooks the front curtilage of the listed asset. This is most apparent within oblique views of the front elevation of the asset from the south (on New Road), where both buildings (applicant and asset) are appreciated in very intimate context. Though of modern construction, Lulworth House is of traditional form and finish, meaning that it is very visually 'quiet' and impacts little upon visual appreciation of the fine front elevation of the listed building – and thus impacting little upon its setting, and therefore its significance.

Proposed PV panels on the existing slated roof of Lulworth House would introduce an overtly modern addition to the applicant property's rear roof slope that, due to their size, positioning and contemporary design, would appear incongruous when viewed against the simple, unaltered roof form of the existing - and the roof form of the adjacent heritage asset. The proposed solar panels would therefore significantly diminish the traditional appearance and sense of historic built form within the setting of this Grade II asset, resulting in visual intrusion and distraction within key views (and therefore harm to its setting and significance).

However, it should be noted that there are no restrictions regarding installation of PV on a roof within Article 1(4) land under Part 40 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012, subject to certain limitations.

Therefore, provided you are satisfied that the proposed installation falls within the parameters, this proposal would be considered to fall under 'permitted development rights' of the dwellinghouse, and therefore outside of our control.

6.2 **Ecology Officer:** No response received.

7. PUBLIC REPRESENTATIONS

7.1 NEIGHBOURS: Neighbour notification letters were sent on 27.04.2026. 5no. neighbours were consulted. No representations were received.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site comprises of an existing residential dwelling within the defined settlement boundary where there is a presumption in favour of development incidental to the enjoyment of the dwellinghouse, accordingly, no objection is raised to the principle of the development subject to all relevant policies being met.

8.2 Character and Appearance

8.2.1 In terms of visual amenity, Lulworth House occupies a sensitive position within the Caerleon Conservation Area and in close proximity to the Grade II listed Malt House.

Whilst the existing dwelling is of modern construction, its traditional form and materials result in a relatively discreet appearance that does not detract from the setting or significance of the adjacent heritage asset. The introduction of the solar panels in this location would typically be visually harmful and undesirable in this location. However, it is noted that there are no restrictions regarding the installation of solar panels on a roof within Article 1 (4) land under Part 40 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012:

“Part 40 INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on—

(a) a dwellinghouse; or

(b) a building situated within the curtilage of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) in the case of solar PV or solar thermal equipment installed on a wall or pitched roof—

(i) the solar PV or solar thermal equipment would protrude more than 20 centimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope; or

(ii) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

(b) in the case of solar PV or solar thermal equipment installed on a flat roof—

(i) the solar PV or solar thermal equipment would be sited within 1 metre of the external edge of the roof; or

(ii) the solar PV or solar thermal equipment would protrude more than 1 metre above the plane of the roof;

(c) in the case of land within a conservation area or a World Heritage Site, the solar PV or solar thermal equipment would be installed—

(i) on a wall forming the principal or side elevation of the dwellinghouse and which fronts a highway; or

(ii) on a wall of a building within the curtilage of the dwellinghouse and which fronts a highway;

(d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building; or

(e) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.”

- 8.2.2 The Principal Heritage Officer has offered comments on the application and notes that the installation of the solar panels would be an unwelcome overly modern addition to the property, which would detract from the character and appearance of the conservation area and nearby listed building. However, they accept that the solar panels could be installed under permitted development rights. As such, it would be unreasonable to withhold consent in this instance.

8.3 Residential Amenity

- 8.3.1 Given the scale and location of development, it is not considered that there would be an impact on the residential amenity of neighbouring occupiers.

8.4 Biodiversity

- 8.4.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. In this case no enhancement has been proposed, therefore a condition requiring a biodiversity enhancement shall be attached to any consent requiring details to be submitted to and approved by the Local Planning Authority.

- 8.4.2 In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance.

- 8.4.3 The proposal involves works to the roof, however given the urban area it is not anticipated that bats would be roosting at the property. The Council's Ecologist was consulted however offered no comments on the proposals. Notwithstanding this, a precautionary approach will be taken, and if during the course of development the presence and/or evidence of protected species are detected all works must stop and suitable professional advice from a qualified Ecologist should be sought. A suitably worded informative will be added to any consent issued.

8.5 Flood Risk

- 8.5.1 The application site lies entirely within Flood Zone 3 sea defended as referred to in the Flood Maps for Planning. The proposals would not contribute to an increased flood risk. The property is an existing residential property and a Flood Consequences Assessment is not considered necessary in this case. The proposals accord with policy SP3.

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 Whilst the proposed solar panels would not typically be an ideal addition to a property in a the conservation area, in this case they are located on the rear roof slope of an unlisted property and do not face a highway so it is acknowledged that this type of development could be undertaken under Part 40 of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012 and as such this is a material planning consideration that must be afforded substantial weight. The site is within an archaeologically sensitive area but not a Scheduled Ancient Monument. The works are not restricted by the Caerleon Article 4 Direction and on balance it is considered that planning permission be granted.

11. **DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed Rear Elevation, Proposed Side Elevation, Proposed Solar Panels, Site Location Plan

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 Prior to the commencement of development, details of 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 and retained as such for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing Side Elevation, Existing Rear Elevation

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, T3 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.

04 Please note that the bat advisory note should be as follows (note if copying from old Notices the addresses will be out of date):

Bats often roost in houses and other buildings and trees, and work on these buildings/trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/trees in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

- a. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.
- b. Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.
- c. Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.
- d. NRW can be contacted at: Natural Resources Wales, Rivers House, St Mellons Business Park, St Mellons, Cardiff CF3 0EY, 0300 065 3000
- e. Bat Conservation Trust can be contacted at: Bat Conservation Trust, Studio 15 Cloisters House, Cloisters Business Centre, 8 Battersea Park Road, London, SW8 4BG, 0845 1300 228