

Delegated Decision Report

Application No:	26/0222	Statutory Expires:	Period	26th June 2026
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Site:	Kingshill House, Office G Stow Hill Newport NP20 4EA		
Proposal:	RETENTION OF STORAGE SHED AND TIMBER DECK WITH BALUSTRADE, ALONG WITH INSTALLATION OF SOLAR PANELS		
Applicant:	L Hussain		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

- 1.1 This application has been submitted to the Council following the opening of an enforcement case in relation to the storage shed and timber deck with balustrade, which are in situ.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site relates to the grounds of Kingshill House, located within the Stow Hill ward of Newport. The site is positioned within the settlement boundary as defined by the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The Proposals Map contained within the Local Development Plan (LDP) identifies the site as being situated within the St Woolos Conservation Area and the St Woolos Grounds Environmental Space. There are no Constraints affecting the site on the Constraints Map.

- 2.2 Kingshill House is a Grade II listed building, and was designated for being an attractive and exceptionally well-preserved early C19 villa, with good interiors. The site is accessed via a private drive off Stow Hill and the building is sited fairly centrally within its large grounds. There are numerous trees subject to Tree Preservation Orders (TPOs) within the application site.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application consists of two parts; both seeking full planning permission.
- 3.2 Firstly, retrospective planning permission is sought for the retention of a storage shed and timber deck with balustrade. The storage shed is fully completed and has been built into the slope which borders the eastern side of the wider application site. The decking is located on the rooftop of the storage shed and measures approximately 4.8 metres in width and 5.5 metres in length. It is accessed from the west via the existing artificial turfed area and includes a balustrade measuring approximately 1.1 metres on its northern, eastern and southern sides. A series of steps are sited adjacent to the storage shed and decking, which provide access to a levelled seating area. The storage shed is enclosed with timber doors and access into it is provided via the seating area. Other than the eastern elevation of the structure which contains the timber doors, the entirety of the development is clad in artificial turf.
- 3.3. The second aspect of the proposal is not retrospective and seeks full planning permission for the installation of solar panels. Details such as the type and quantity of solar panels have not been confirmed by the Applicant, however they would be along the eastern side of the application site.

4. RELEVANT SITE HISTORY

Application Number:	Proposal:	Decision:	Decision Date:
21/0558	LISTED BUILDING CONSENT FOR PROPOSED VERANDA REPLACEMENT	Under Consideration	N/A
20/0281	LISTED BUILDING CONSENT FOR REROOFING AND ROOF REPAIRS	Granted with Conditions	29.10.2020

20/0225	WORKS TO TREES PROTECTED BY TREE PRESERVATION ORDER 2/83 INCLUDING FELLING OF 10NO. TREES, PRUNING AND COPPING	Granted with Conditions	20.04.2020
07/0294	FELLING AND CROWN REDUCTION OF TREES PROTECTED BY TPO 2/1983	Granted	18.09.2007
97/1063	CREATION OF NEW PRIVATE ACCESS ROAD FOR PALACE HOUSE TO PROVIDE A SECURED BOUNDARY INVOLVING THE FELLING AND REPLACEMENT OF TREES	Granted with Conditions	10.02.1998
96/1098	CHANGE OF USE FROM VACANT SCHOOL TO OFFICES	Granted with Conditions	27.02.1997
91/0119	CHANGE OF USE FROM EDUCATIONAL PREMISES TO OFFICES-CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES)	Granted with Conditions	10.05.1991

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 Technical Advice Notes:

Technical Advice Note (TAN) 5: Nature Conservation and Planning

Technical Advice Notice (TAN) 10: Tree Preservation Orders

Technical Advice Note (TAN) 12: Design

Technical Advice Note (TAN) 24: The Historic Environment

5.4 Historic Environment (Wales) Act 2023

5.5 Newport Local Development Plan (2011 – 2026) (Adopted January 2015):

Policy SP1 (Sustainability)

Policy SP9 (Conservation of the Natural, Historic and Built Environment)

Policy GP2 (General Amenity)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

Policy GP7 (Environmental Protection and Public Health)

Policy CE3 (Environmental Spaces and Corridors)

Policy CE7 (Conservation Area)

6. CONSULTATION RESPONSES

6.1 Local Highways Authority:

There are no highway related issues anticipated due to the location.

6.2 Principal Heritage Officer:

History of Kingshill House and Grounds

The town of Newport was carved out of lands that previously formed part of the manor of Stowe, centred on Stow Hill, with the earliest known map of Newport (dated c1750) showing the borough's boundaries cutting through existing fields. The property of *Kingshill* is referred to within the charter of Humphrey earl of Stafford (3rd April 1427) as laying within the boundary of the medieval borough.

By the tithe map of 1841, the present house had been constructed (as an Early-C19 villa also known as *Kingshill*), on land owned by Lord Tredegar and leased by Thomas Hughes. The property had lodged access from both Stow Hill to the north-west (adjacent the Vicarage as today) and from Commercial Street to the east (via Palmyra Place adjacent to St Paul's Church - and now curtailed by later development). The property was surrounded immediately by lawns, with ancillary buildings (presumably stables etc) to the south-west – today the sites of *The Orchards* and *Bishopstow*. To the north and south were extensive pastures, with small areas of plantation located to the north of the house and following the site's long eastern boundary (today the north-south boundary to the rear of *St Paul's Clinic* and *Kingsvale*).

By 1881, pastures to the north had been developed as the large semi-detached properties to Park Square, but remainder of the site's extents was unchanged, with a proliferation of treed plantation immediately surrounding the house to the north and west. Lawns to the south and east of the house were curtailed by the still existing steep banking, also tree-planted, with two meandering pathways through, and acting as a naturalistic woodland belt that surrounded the now-reduced estate, to make the property feel like what Henry Repton once described as a self-contained "little kingdom".

By 1917, much of the former pasture to east and south had been given over to allotments and, by the OS map of 1938, Keynsham Avenue and Queen Street were under construction, the former utilising the former driveway access to Commercial Street, and both curtailing the south-eastern boundary of the place's once-expansive grounds to the still treed line of bank.

Setting of Kingshill House

The Grade II Listed asset of Kingshill House is still set within what the list entry describes as "*extensive grounds, about 200m E of St Woolos.*" Access to the site is from higher ground to the north-west, via the original driveway, where elevated glimpsed views are afforded of the property through the mature trees still located to the north-west of the house. As one passes along the sweeping drive, the property's fine southern elevation is revealed, still set against a backdrop of trees which formed the banked plantation seen in the OS map of 1881. Though a number of trees to the east of the house have been lost (revealing long views of the city), this green backdrop and distinct sense of historic enclosure contribute very positively towards the setting (and therefore significance) of the listed asset.

Observations on Proposals

Photovoltaics:

It is proposed to install a significant PV array along the south-east facing bank. This would essentially be unseen within principal views from the asset and its immediate surroundings (due to the topography of the site), and within any long-range public views of the asset from the lower ground to the east (due to the development of Keynsham Avenue). However, such a wide-ranging installation would surely require the loss of a number of those (TPO) trees which originated as part of a C19 plantation bank and which make a very positive contribution towards the setting of the asset. This would result in harm to setting (and therefore significance).

It has also not been made clear how the proposed array would be connected to the house – something which might well require listed building consent, should any new penetrations or fixings be required.

Proposed Deck and Storage Shed:

It is proposed to re-landscape the existing bank to the north-eastern corner of the grounds, to construct a deck over storage shed, with steps adjacent. This development has already been undertaken. Though located away from the asset to the north-east, the proposed introduces a modern and artificial-grass-clad structure within the historic grounds of the asset, which, as one approaches, is an unsightly and incongruous structure which intrudes into views of the verdant treed bank of C19 origins, and results in harm to the setting of the asset.

It should also be noted here that, though the existing artificial grass (which overlays previous hardstanding) has been in situ since before June 2023 (and is therefore beyond the scope of enforcement), it is considered harmful to the setting of the asset. Any extension of this artificial finish (as proposed) would constitute further harm.

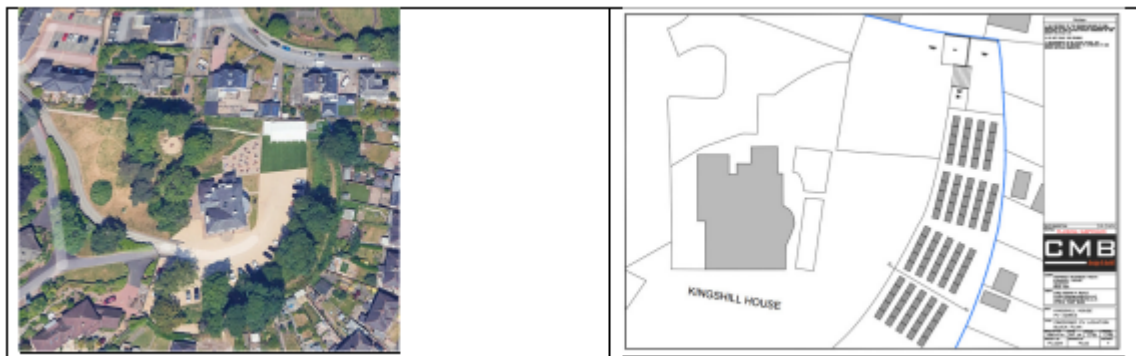
6.3 Landscape Officer:

OBJECTION pending further information/change to proposals.

The site has a number of constraints: the building is listed and lies within the St Woolos Conservation Area, in addition the site falls under Environmental Space Policy (ref St Woolos Grounds).

The submitted Heritage Impact Assessment does not include the proposal for a significant number of solar panels – this will have a visual impact within the site and potentially beyond the site and should be included. The HIA also does not include any site photos to show views in or out from the site.

The solar panels are sited close to if not under the canopy of mature boundary trees – see below.



There is potential for impact on the tree root protection areas not only from the panels but more likely from connecting service runs which are not shown. In addition as the panels will be in full shade from the trees during summer months they are unlikely to be efficient.

The visual and landscape character impact of the shed and raised decking are not clear from the submission. As the proposal for these elements is retrospective, photos of these from both levels are required and to include photos out from this area in all main compass directions in order to establish whether there are any visual impacts. No planting is proposed to meet the requirements of GP5 vi.

Relevant policies:

- The proposal should meet the requirements of GP5 General Development Principles – Natural Environment : vi the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.
- Policy CE7 Conservation Areas

Recommendations:

1. A review of solar panel efficiency as these will be in tree canopy shade for the summer months. If this is still to be proposed, the service run connection route along with a tree survey to BS5837 of the boundary trees will be required.

2. Photos of the existing deck, shed etc from upper and lower levels, and photos out from this area in all main compass directions.
3. A soft landscape plan is required to show planting type, species, size, density along with an outline soft landscape maintenance and management plan for five years to cover new planting until established. It is advised that a suitably qualified landscape specialist/professional is used to satisfy GP5iv and mitigate any visual impacts from the proposals.

6.4 Ecology Officer: No response received.

6.5 Tree Officer:

Due to the presence of trees with Tree Protection Orders on them in the area they wish to develop we would object until adequate tree information is provided in the form of a BS5837 compliant Tree Survey, Constraints and Protection plan in addition to an Arboricultural impact assessment.

6.6 Environmental Health Officer: No response received.

7. PUBLIC REPRESENTATIONS

7.1 The application was advertised by direct neighbour notification letter and a site notice was displayed.

7.2 Two objections were received and are summarised as follows:

- The decking results in a loss of privacy to nearby neighbours.
- The application site is a business which exacerbates the adverse impacts upon neighbours due to the potential for a high volume of people using the decking.
- The deck is built on raised land and is a viewing platform, which results in users directly overlooking neighbouring gardens.
- The use of privacy screening would further add to *'further add to the domineering presence of this structure that has been inappropriately and inconsiderately positioned.'*
- The decking has been used for an event with an acoustic set playing on it.
- The decking is used as a staff break area, which makes it feel like being *'backed onto an alfresco café at peak times.'*
- *Trees have been felled and not replaced, and bushes have been cut away which provided some natural privacy.*
- The deck has replaced natural privacy screening of trees and shrubbery.
- A large children's slide has been installed at the site, as well as a commercial marquee which has only recently been removed.

7.3 The points raised in the objections will be considered in the main body of the report below.

8. ASSESSMENT

8.1 **Principle of Development:**

8.1.1 The application site is related to an existing business use, which the development would be associated with. There are no objections to the general principle of the development, subject to the material considerations below.

8.2 **Visual Amenity/Character and Appearance:**

8.2.1 The storage shed and decking structure are readily visible from within the grounds of Kingshill House, and significant views of the development are readily available from the adjoining properties to the north located on Park Square. In addition, it is considered that other nearby properties, particularly those located on Keynsham Avenue to the east, have partial views of the proposed balcony structure. It is considered that this element of the development is poorly designed and utilises a poor choice of materials, with the artificial turf cladding particularly offensive. As such, the structure appears as a dominant, incongruous feature when viewed from within the wider site as well as from neighbouring properties. Based on this, the development is considered to result in harm to the character and appearance of the application site and immediate area and conflicts with Policy GP6 of the LDP.

- 8.2.2 The proposed solar panels would be sited along the south-east facing bank. Due to the topography of the site they would be largely unseen from within the grounds of Kingshill House, and only partially seen from properties below along Keynsham Avenue. Notwithstanding this, the submitted plans show a significant number of solar panels which would be located along the majority of the bank, in a location which currently includes vegetation and a high number of protected trees. This plantation bank is considered to have high visual amenity value and the solar panel installation would inevitably result in harmful visual changes to it, resulting from the loss of trees through deliberate removal or through impacts upon their long term health. As such, it is considered that this element of the proposals would also result in harm to the character and appearance of the application site and immediate area, conflicting with Policies GP5 and GP6 of the LDP.
- 8.2.3 In addition to the above, it is noted that the Council's Landscape Officer has objected to application, raising concerns regarding both elements of the application.
- 8.3 **Residential Amenity:**
- 8.3.1 Policy GP2 of the LDP seeks, amongst other things, to ensure that development does not have a significant adverse impact on local amenity, including privacy and through overbearing effects.
- 8.3.2 Due to their siting and scale, it is not considered that the physical works of both of the storage shed structure and the solar panels would result in harm to the living conditions of nearby properties, when this aspect is taken alone. Notwithstanding this, the storage shed includes a decking area on its rooftop which provides an area for sitting, standing and socialising at an elevated height. The effects of the use of the roof top balcony on the living conditions of the occupiers of the adjoining and nearby properties must be considered. The balcony area is directly adjacent to the shared boundaries with properties located on Park Square and Keynsham Avenue. Due to its overall height and position directly adjacent to the shared boundary the balcony provides clear and direct views from an elevated height of the private rear gardens of nearby properties, most notably the garden of No. 5 Park Square.
- 8.3.3 Whilst a degree of mutual overlooking between properties can be expected in densely populated areas, it is considered that the rooftop balcony introduces overlooking that goes above and beyond what is considered reasonable. In addition, the proposed balcony is capable of being used intensively and by a large number of users during both daytime and evening hours, with the impacts of such a development not previously experienced by the occupiers of the adjoining properties.
- 8.3.4 Furthermore, it is considered that when within the rear garden of No. 5 Park Square, the rooftop balcony would appear unduly dominant and overbearing. Even when not in use, it is considered that the perception of overlooking would be apparent. These factors result in material harm to the living conditions of neighbouring occupiers.
- 8.3.5 For the above reasons, it is considered the development, specifically the roof top balcony, has an unacceptable impact on the living conditions of neighbouring occupiers, by reason of both overbearing effect and overlooking. It therefore conflicts Policy GP2 of the NLDP (2011 – 2025).
- 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. Planning Policy Wales (Edition 12) (PPW) reiterates that biodiversity must be maintained and enhanced to enable resilient ecological networks to be built and deliver net benefits for biodiversity. 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.
- 8.4.2 Furthermore, PPW indicates that a step-wise approach must be taken to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Evidence in the form of a Green Infrastructure Statement should accompany the application to ensure that the step-wise

approach has been followed. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

8.4.3 In this instance, the application is not accompanied by a Green Infrastructure Statement, and it is noted that a significant number of mature trees which are protected by Tree Preservation Orders are located within the application site. As such, the submission has not followed the relevant steps, in terms of firstly avoiding and then minimising impacts on any key habitats or species on site. There are also no details of mitigation or compensation measures. Whilst there is an element of merit in seeking to provide solar panels at the application site, given the nature and scale of the development, it is not considered that this mitigates the harm identified, or the lack of Green Infrastructure Statement.

8.4.4 In conclusion, it is considered that the proposed development fails to demonstrate that it would not harm biodiversity interests or secure a net gain for biodiversity. It is therefore contrary to Future Wales Policy 9, the aims of PPW in so far as they relate to biodiversity interests and environmental protection and Policy GP5 of the Newport Local Development Plan (Adopted January 2015).

8.5 **The Historic Environment:**

8.5.1 The application site forms part of the grounds associated with the Grade II listed Kingshill House. It is also located within the St Woolos Conservation Area. The Historic Environment (Wales) Act 2023 places a duty on Local Planning Authorities to preserve or enhance designated historic assets when considering planning applications.

8.5.2 Consultation has been undertaken with the Council's Principal Heritage Officer which has resulted in an objection being raised. In terms of the storage shed with timber decking and balustrade, it has been advised that the works have introduced a modern and artificial-grass-clad structure within the historic grounds of the asset, which, as one approaches, is an unsightly and incongruous feature. Whilst not physically attached to the listed asset, it is considered that the proposal results in harm to the setting of the building.

8.5.3 In terms of the proposed solar panels, the Principal Heritage Officer notes that the wide-ranging installation proposed would surely require the loss of a number of TPO trees which originated as part of a C19 plantation bank and which make a very positive contribution towards the setting of the asset. This would also result in harm to setting (and therefore significance).

8.5.4 The St Woolos Conservation Area covers the entire application site. Given there are views into the application site from nearby properties, it is considered that for the reasons identified above, the proposed storage shed and timber deck with balustrade would fail to preserve or enhance the Conservation Area. Furthermore, the proposed solar panels would be sited in an established tree bank, which provides enhancement to the Conservation Area. Due to the extent of the solar panels and their siting within the tree bank, it is considered that this element of the development would also fail to preserve or enhance the Conservation Area, as it would result in the unjustified loss and harmful impacts upon the protected trees.

8.5.5 Based on the above, the proposals are contrary to the Historic Environment (Wales) Act 2023, Planning Policy Wales 12, Technical Advice Note (TAN) 24: The Historic Environment and Policies SP9 and CE7 of the Newport Local Development Plan 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 Whilst the principle of the proposal is regarded as acceptable, the development does not comply with the relevant planning policy as noted above and the significant harm identified is considered to warrant the refusal of the application.

11. **RECOMMENDATION**

REFUSE

1. Due to its design, siting, material finish and detailing, the development, specifically the storage shed and timber deck with balustrade, appears as a dominant, incongruous feature within its context, which has an unacceptable adverse impact on the character and appearance of the application site and immediate area, as well as upon the setting of the Listed Building and the Conservation Area. Furthermore, the proposed solar panels would result in the loss of established trees which are protected by Tree Preservation Orders. This would result in harm to the character and appearance of the application site and surrounding area, as well as to the setting of the Listed Building and the Conservation Area. As such, the development in contrary to the Historic Environment (Wales) Act 2023, Planning Policy Wales 12, Technical Advice Note 12: Design, Technical Advice Note (TAN) 24: The Historic Environment and Policies SP9, GP5, GP6 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).
2. The development, specifically the roof top balcony, results in an unacceptable, unneighbourly and overbearing impact, and allows an unacceptable level of overlooking into the rear

gardens of nearby residential properties, contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

3. By virtue of their siting, the proposed solar panels would result in the loss of established trees which are protected by Tree Preservation Orders. No Green Infrastructure Statement and no mitigation or ecological enhancement has been provided. This results in an adverse impact on biodiversity and ecosystem resilience, which is contrary to Policy SP1, SP9 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Chapter 6 of Planning Policy Wales (Edition 12) and Policy 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales.

NOTE TO APPLICANT

- 01 The decision relates to the following plans and documents: OS-01 – SITE LOCATION PLAN, OS-02 – EXISTING BLOCK PLAN PL00 – EXISTING PLANS AND ELEVATIONS, PL01 – PROPOSED PLANS AND ELEVATIONS, PL02 – PROPOSED PV LOCATION BLOCK PLAN, PL03 – PROPOSED PV LOCATION ELEVATIONS, Heritage Impact Statement, Design & Access Statement.
- 02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2, GP5, GP6. GP7, CE3 and CE7 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.