

Delegated Decision Report

Application No:	25/0161	Statutory Period Expires:	28th April 2025
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Site:	<i>Land Adjacent To 18 Ridgeway Hill Newport NP20 5DG</i>		
Proposal:	<i>PROPOSED ERECTION OF 2NO DORMER BUNGALOWS WITH ASSOCIATED ON SITE PARKING AND GARDENS</i>		
Applicant:	<i>D Watts</i>		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within a residential area formed of detached bungalows. The detached bungalows are formed of brick and tile with dual pitched roofs. Neighbouring properties benefit from off street parking with open frontages bounded with low railings. The topography of the area inclines from south to north and the application site levels incline from east to west also.

3. DESCRIPTION OF DEVELOPMENT

3.1 Erection of 2no. detached dormer bungalows with off street parking and private amenity spaces.

4. RELEVANT SITE HISTORY

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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP4 – Water Resources
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- H2 – Housing Standards
- H4 - Affordable Housing
- H6 – Sub-division of Curtilages, Infill and Backland Development
- T4 – Parking

- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Planning Obligations
- Affordable Housing
- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Ecology Officer: No response.

6.2 Landscape Officer: Planting is shown on the Proposed Site Layout 01- rev - by Le Trucco architects, this would provide a suitable frontage but note highways need for pedestrian visibility splays.

The planting requires revision.

- ♣ Hedging should read Ilex crenata not Llex crenata – although slow growing this will need to be maintained and is not appropriate with the visibility splay.
- ♣ Planting detail is required for the SUDs 3no rain gardens as these are in full public view.

Sections within the GIS are misleading and also need revision eg.

4.2. Native species will be used throughout the scheme to enhance peripheral corridors, connect to central development spaces, and diversify SUDS features improving biodiversity, providing important ecological habitats and enhancing the amenity value of the site.

6.3 Drainage Manager: No response.

6.4 Planning Contributions Manager: Contributions required.

6.5 Environmental Health Officer: No response.

6.6 Senior Scientific Officer: No response.

6.7 SAB Officer: No response.

6.8 Waste Manager: We would anticipate each property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

6.9 Highways Officer: Objection, subject to boundary and parking detail amendments.

Highway Comments:

There are no objections in principle, however the proposed detail does not provide the required visibility splays for pedestrian safety.

Unit 1 has a drive immediately adjacent to a third party boundary so cannot achieve the required splay. Unit 2 has a hedge adjacent to the drive so cannot achieve the required splay (2m x 2m at 600mm height). This raises an objection on highway safety grounds, but could easily be addressed.

No boundary treatment or gates are indicated along the highway boundary. We would request a condition to retain this arrangement to ensure that visibility splays are retained.

The drives appear to have a gradient which would result in surface water discharge into highway. A cut off drain (ACO style) and soakaway should be proposed, but the detail can be secured by way of condition.

No detail of cycle storage or electric vehicle charging has been provided. These could be addressed by way of condition, however we would suggest indicating them on the plans at this stage

- 6.10 Dwr Cymru/Welsh Water: No objection subject to condition for mains sewer drainage connection and informative note.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 4th March 2025.

- 7.1 NEIGHBOURS: 3no. objections (summarised):

- Dormer windows out of character with area.
- Dormer windows would overlook private gardens adversely impacting privacy.
- Lack of regard to building line.
- Proposed building is within 2 feet of pavement restricting light into property and visibility splays.

- 7.2 COUNCILLORS DREWITT: I am writing to formally object to the planning application for the proposed construction of two dormer bungalows at 18 Ridgeway Hill Planning Application 25/0161.

My primary concern relates to the serious impact the development would have on the privacy of neighbouring properties, and specifically those in Ridgeway Gardens and Ridgeway Park Road.

The inclusion of rear-facing upstairs windows in the proposed dormer bungalows will directly overlook the rear gardens and private amenity space of neighbouring bungalows. This will result in an unacceptable loss of privacy for residents who currently enjoy a reasonable expectation of seclusion in their outdoor spaces.

The overlooking from upper-floor windows into single-storey properties is particularly intrusive, and not in keeping with the character of the surrounding area, which primarily consists of bungalows with a low-profile design intended to preserve privacy and space.

I urge the Planning Department to take these concerns into account when reviewing the application. I believe the development, in its current form, is not appropriate for this location and would set a concerning precedent for future developments that could further erode the privacy of long-standing residents.

Thank you for your consideration of my objection.

8. ASSESSMENT

8.1 Main Issues

- 8.1.1 The main issues with the scheme relate to the impact on residential amenity, character and appearance and highway safety. The report shall focus on these issues firstly followed by subsequent other material considerations.

8.2 Impact on Residential Amenity

- 8.2.1 The rear garden depth measures 7.2m and 9.3m for Plots 1 and 2 respectively. The New Dwellings SPG sets out that rear gardens on new dwellings should extend at least 10m from the rear elevation. Neighbouring dwellings generally have garden depths of around 5-6m as they were designed for occupants requiring low maintenance properties. Given the

specific site context, it is considered that the depth of the rear gardens is acceptable in this instance in terms of the amount of amenity space provided.

- 8.2.2 The proposal seeks to introduce a rear dormer – a feature not present on any other immediate neighbouring property. The dormer would serve the proposed master bedroom for each plot. The rear dormer windows would have a separation distance to the common boundary with 12 Ridgeway Gardens of 7.65m and 9.6m for Plots 1 and 2 respectively.
- 8.2.3 Views from the upper floor rear windows would have a direct and unrestricted view into the rear gardens of 11 & 12 Ridgeway Gardens and 18 Ridgeway Hill; and partial views into the rear ground floor of 11 & 12 Ridgeway Gardens. The provision of first floor accommodation in such close proximity highlights the overdevelopment of the site and its adverse impact upon the amenity of neighbouring properties. The proposal would have an unacceptable impact on the privacy and amenity of any future occupant of 12 Ridgeway Gardens contrary to Policy GP2.
- 8.2.4 It is also considered that the presence of the rear dormer in such close proximity with the common boundary would result in overbearing of neighbouring properties.
- 8.2.5 The presence of the first floor side elevation window on Plot 1 is considered to result in perceived overlooking into the private amenity space of 46 Ridgeway Park Road as this is located at higher level and within approximately 1.2m of the common boundary.
- 8.3 Impact on the Character and Appearance of the Area**
- 8.3.1 The area has a uniform character formed of bungalows with set backs from the edge of the footway which provides open frontages and a sense of place and space. The topography declines from north to south resulting in the properties along Ridgeway Park Road having a higher slab level than those of Ridgeway Hill.
- 8.3.2 The siting of the proposed dwellings contradicts the existing pattern of development as Plot 2 would be sited within 0.75m of the edge of the footway and Plot 1 then being set back within the site, whereas the existing layout has the opposite relationship.
- 8.3.3 The submitted street scene drawing shows that Plot 1 would have a higher ridge height than the neighbouring property of 46 Ridgeway Park Road and Plot 2 would have a disproportionately higher ridge height with 18 Ridgeway Hill when compared to the relationship with neighbouring properties. Therefore, it is considered that the proposed development does not integrate with the established building heights resulting in a contrived form of development resulting in harm on the wider character and appearance of the area.
- 8.3.4 The introduction of the front facing dormer windows would represent the first such feature of this type in the area. The area benefits from a relatively uniform appearance which do not feature protrusions of this scale and type. The presence of the dormer windows adds to the top heavy appearance, and is considered to not integrate with the overall character and appearance of the area which is of simply styled bungalows. The scale, height, design and massing result in a top heavy appearance when compared to surrounding properties, and as such fails to integrate with the wider character. The proposal is contrary to the requirements of Policy GP6.
- 8.4 Impact on Highway Safety and Parking Provision**
- 8.4.1 The Highways Officer has raised objection to the scheme as the visibility splay of 2m x 2m at a height of 0.6m cannot be achieved at the driveway access for both plots thereby resulting in harm on pedestrian safety.
- 8.4.2 It is noted that the neighbouring property has a low boundary fence currently, however it is considered this could easily be altered in the future. Therefore, it cannot be relied upon to be retained as such for the duration of the proposed use in order to address the highways matters.
- 8.4.3 The number and size of off-street parking spaces serving both units accords with the parking standards contained within the Parking SPG document.

8.5 **Drainage**

8.5.1 The submission includes a scheme of foul and surface water drainage. Welsh Water have raised no objection, subject to the attachment of a condition requiring the foul drainage connection to be completed prior to occupation, and no further surface water to drainage directly into the combined sewer.

8.5.2 The proposal would also be liable for SAB approval which is controlled via separate legislation.

8.5.3 The proposal accords with Policy SP4.

8.6 **Impact on Biodiversity**

8.6.1 The proposal is supported with an ecological appraisal and Green Infrastructure Statement. The appraisal concludes the site has low ecological value and sets out recommendations during and post construction. No comments have been received from the Councils Ecologist and a condition would be attached to ensure the recommendations are implemented on site.

8.7 **Waste**

8.7.1 The proposed site plan includes dedicated areas for the storage of waste and recycling which accords with the Waste SPG document. No objection received from the Waste Manager. Proposal accords with Policy W3.

8.8 **Section 106 Planning Obligation matters**

8.8 The terms of the Section 106 agreement have been agreed by the relevant parties, however as the application is being refused on other grounds, a signed Section 106 agreement has not been completed and therefore forms a further reason for refusal.

8.8.1 In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service	Purpose of	Planning obligation	Summary Heads of	Viability
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Area that requires planning obligation	planning obligation	initially sought by Planning Authority	Terms agreed by applicant(s)	Issues?
Regeneration, Investment and Housing	To provide a contribution toward off site affordable housing	A commuted sum of £3,064 in accordance with policy SP13 of LDP and in accordance with formulae in adopted Planning Obligations SPG.	Agreed.	No.

HEADS OF TERMS AGREED BY APPLICANT

Section 106 Planning Obligations – Draft ‘Head’s of Terms’ ***(Without prejudice & subject to contract)***

1. Introduction

Based upon a development of 2 x 2 bed dwellings, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on developments of 1 to 2 dwellings anywhere in Newport. The site lies within the Housing Target Area of Newport West. Newport West requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £3,064

This sum is to be index linked to the RPI and paid prior to occupation

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2020), a £200 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement

Legal Fees

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

Please Note:

Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas Agreements are usually drafted by the Council's in house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed.

You are required to agree to these Heads of Terms in writing. In doing so you also agree to an extension of time for the determination of your proposal in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2015 and the Town and Country Planning (Development Management Procedure)(Wales) Order 2012. This will extend the statutory period for determination of your application by 16 weeks from the date the Local Planning Authority resolve to grant your planning permission (i.e. the Planning Committee date or the delegated Agenda date) subject to a legal agreement. This extension of time is required to enable completion of the section 106 Agreement (although the Local Planning Authority will endeavour to determine your application as soon as possible prior to this date).

Once your written agreement to the Heads of Terms for section 106 has been received by the Authority and a resolution made on the basis of such agreement, the Local Planning Authority will NOT enter into any negotiations that seek to alter the Heads of Terms in terms of discounting agreed figures due to, for example, viability reasons before the final Notice of Decision is issued. It is important that you check the Heads of Terms you receive thoroughly and if you have any questions regarding the figures included or the justification for them, you must raise these and satisfy yourself that the request is reasonable, relevant and necessary, prior to providing your written agreement to the Terms.

Any negotiations must take place before Heads of Terms are agreed by you and if you seek to discuss or re-negotiate section 106 Heads of Terms having agreed them in writing and having received a resolution (but not a decision notice), your application must be withdrawn to enable re-negotiation to take place. Failure to sign a section 106 within 3 months of any resolution being made may lead to your application being refused. Alternatively, you may proceed to complete the section 106, receive a Notice of Decision and then make a new submission to the Authority that will enable altered terms to be negotiated. Please be advised that any such re-submission will likely attract a new planning application fee.

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 result in harm on the wider character and appearance of the area, residential amenity and pedestrian safety contrary to the policies contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11. DECISION

Refuse, for the following reason(s):

01 The proposal, by reason of scale, design, height and location, represents an unneighbourly form of development and is overdevelopment of the site. This is demonstrated through:

- a significant adverse impact upon the living conditions of neighbouring occupiers due to an unacceptable overbearing impact and an unacceptable level of overlooking and loss of privacy within the rear garden areas and primary living areas of 11 & 12 Ridgeway Gardens, 18 Ridgeway Hill and 44 & 46 Ridgeway Park Road.
- The introduction of dormer windows and top-heavy design within an area characterised by bungalows with a simple, uniform scale and design resulting in demonstrable harm on the wider character and appearance of the area.

This is contrary to Policies H6, GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 The siting of Plot 2 is contrary to the established pattern of development which sees properties being set back from the edge of the footway and would therefore be visually prominent and out of keeping with the existing street scene to the detriment of the visual amenity and character and appearance of the area contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The proposed layout has insufficient visibility splays to ensure the scheme would not result in harm on pedestrian safety contrary to Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Proposed Drainage Strategy for Planning (Drawing ref: CSK14 Rev B)
- Plans + Elevations (Drawing ref: LT2417.04.01 Rev A)

- Boundary Details (Drawing ref: LT2417.04.02)
- Proposed Site Layout (Drawing ref: LT2417.04.01 Rev B)
- Existing Site Plan (Drawing ref: LT2417.00.02)
- Site Location Plan (Drawing ref: LT2417.00.01)
- Green Infrastructure Plan – February 2025 (Received: 03.03.2025)
- Site Assessment Survey by Ecological Services Ltd (Received: 03.03.2025)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP4, SP10, SP13, GP2, GP4, GP5, GP6, GP7, H2, H4, H6, T4 and W3 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.