

Delegated Decision Report

Application No:	25/0165	Statutory Period Expires:	11th July 2025
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Site:	<i>Silver Birches Wentwood Road Penhow Newport NP26 3AE</i>		
Proposal:	<i>CONSTRUCTION OF DOUBLE GARAGE WITH STUDY ABOVE</i>		
Applicant:	<i>Philips</i>		
Type:	Full	Ward:	Bishton And Langstone
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 Silver Birches is a detached 2no storey house situated in the Bishton and Langstone ward. Nearby properties are also detached and situated on a remote country lane. Most properties retain a smaller plot of land and therefore display smaller outbuildings than the proposed. The site is urban fringe but located in a characteristically rural setting surrounded by the Wentwood Special Landscape Area to the north, west and east.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to erect a 2no storey outbuilding consisting of a double garage at ground level and a study at first floor level. The outbuilding will measure 9m in width, 7m in depth, 2.3m to the eaves and 6m to the ridge. 2no dormers, 2no garage openings and a door are proposed on the front elevation. 1no window is proposed on the side elevation. A Vivaro Pro Build-in Woodstone bat box is proposed on the side elevation and raised ridge tiles with a self contained ridge roosting area for bats is proposed along the entire ridge line of the roof. The external walls are proposed to be a smooth render to match the main dwellinghouse and a gable roof form is proposed with slate tiles. Works appear to have been undertaken on site that will facilitate the development including landscape clearance, engineering works and widening of the vehicular access off Wentwood Road.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
06/1035	ERECTION OF A TWO STOREY SIDE EXTENSION	GC	11.10.2006
11/1006	CERTIFICATE OF LAWFUL DEVELOPMENT PROPOSED SINGLE STOREY OUTBUILDING FOR THE ENJOYMENT OF THE DWELLINGHOUSE	R	13.10.2011
11/1366	ERECTION OF OUTBUILDING IN REAR GARDEN	GC	15.03.2012
12/0949	PROPOSED TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSIONS WITH FIRST FLOOR BALCONY, DEMOLITION OF UTILITY ROOM AND ALTERATIONS TO PARKING AREA	GC	04.12.2012
17/0386	ERECTION OF DETACHED DOUBLE DOMESTIC GARAGE AND PARKING SPACE WITH ASSOCIATED LAND LEVEL REDUCTION	GC	29.06.2017
19/0591	RETENTION OF SUMMERHOUSE	GC	31.07.2019
23/0119	VARIATION OF CONDITION 01 (MATERIALS AND FINISHES), 06 (MEANS OF ENCLOSURE) AND 07 (SURFACE WATER) AND REMOVAL OF CONDITION 02 (CODE FOR SUSTAINABLE HOMES), 10 (CODE FOR SUSTAINABLE HOMES) AND 11 (CODE FOR SUSTAINABLE HOMES) OF PLANNING PERMISSION 13/1205 FOR VARIATION OF STANDARD CONDITION TO EXTEND PERMISSION FOR A	R	18.05.2023

	FURTHER 5 YEARS FOR THE ERECTION OF A DETACHED DWELLING AND REVISED ACCESS (08/1083)		
24/0804	PROPOSED GARDEN ROOM (RETROSPECTIVE)	GC	05.12.2024
24/0563	PROPOSED TWO STOREY SIDE AND REAR EXTENSIONS AND SINGLE STOREY FRONT EXTENSION AND RAISING THE RIDGE HEIGHT OF THE DWELLING BY 450MM	Pending	N/A

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)

- SP5 (Countryside)
- SP8 (Special Landscape Areas)
- SP9 (Conservation of the Natural, Historic and Built Environment)
- GP2 (General Amenities)
- GP4 (Highways and Accessibility)
- GP5 (Natural Environment)
- GP6 (Quality of Design)
- M1 (Safeguarding of Mineral Resource)

5.4 SUPPLEMENTARY PLANNING GUIDANCE HOUSE EXTENSIONS AND DOMESTIC OUTBUILDINGS SPG

6. CONSULTATION RESPONSES

6.1 Ecology Officer:

The aerial images of this site seem to show that it has already been cleared or is in use as a parking area. So, assuming none of the surrounding trees is to be removed, I would have no comment other than to support the proposed inclusion of bat roosting features shown in SD1041-02D – Proposed Elevations. We should secure their implementation by a planning condition.

6.2 Highways Officer: No objection -

The proposals would have no negative highway impacts and therefore raise no objections

6.3 Landscape Officer:

The site is at a northern gateway to the settlement of Parc Seymour, surrounded by the Wentwood Special Landscape Area to the north, west and east. Views in will be screened by roadside vegetation or level changes to the rear.

Highways have indicated there are no additional visibility splay requirements.

The proposal is one of several at this site, the planning history is not covered in the application:

- 24/0804 approved retrospective for a garden room
- 24/0563 significant house extensions – yet to be determined

The site has already been cleared. The proposal for double garage with office above. This will be a significant new building at 7m x 9m x 6m height.

Treatment of the frontage is unclear in the proposal. The site may have moved on from the streetview photo below and up to date site photos would help.

Ideally every application meets the requirements of LDP 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.
- vii the proposal includes **appropriate tree planting** or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value

Following receipt of Location Plan Rev D which confirms paving to the frontage and planting of 15 linear meters of native mixed hedging, I have no further comments.

6.4 Public Rights of Way Officer: No objections

6.5 Tree Officer: No objections now that Tree Protection Plan and Arboricultural Technical Advice Note have been submitted.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 10.03.2025, Site Notice was put up on 14.03.2025

7.1 NEIGHBOURS: 1no neighbour was consulted and no response was received.

7.2 COMMUNITY COUNCIL: Penhow Community Council were consulted –

The Community Council considered this application and were aware that a significant building has recently been erected in the grounds of Silver Birches, set back between the main house and the neighbouring property Meadow View. There was no mention of this development in the Planning Application submitted, and the site plan submitted with the Planning Application did not show this new property. Members therefore raised the question as to why there is no mention of the development and conclude that non-inclusion of the correct plan could mislead during the consultation period. Member therefore suggest that the Planning Authority seek clarification on this, and that the planning application be resubmitted for consultation. In conclusion, the Community Council cannot support the application in its current state due to incorrect information being submitted.

8. ASSESSMENT

8.1 The House Extensions and Domestic Outbuildings SPG (Adopted January 2020) states that:

‘An outbuilding should be erected in a back garden and, if possible, out of public sight.’

The two-storey garage is proposed in the back garden but this will be visible through the enlarged opening onto the lane and will appear as a dominant outbuilding of significant size

close to the host dwelling. The large apron access is unjustified and erodes the pleasant rural character of the lane by inserting an over wide access to serve the very large outbuilding and associated circulation space. All of this will be visible.

- 8.2 The House Extensions and Domestic Outbuildings SPG (Adopted January 2020) states that:

'Outbuildings, including detached annexes, can be just as harmful as house extensions to residential amenity and the streetscape. It is essential, therefore, that the council control their size, location and appearance.'

The footprint is large of itself and the building is high having significant mass at roof level making it prominent in the site and the wider rural area especially now that the frontage to the lane has been opened up to the extent that it has thereby increasing overall visibility of the site from the public domain.

The footprint of the building is comparable to the host property which is subject to separate application for large extensions and has permission for another large outbuilding already constructed but not shown on submitted block plan. The cumulative impact of recently consented and proposed development is relevant.

- 8.3 The site history includes a double garage now demolished and a previous consent for a double garage with a pitched roof but both of these were significantly smaller than the proposed in footprint, height and general massing. The access has also been widened in recent years with removal of additional hedgerow to the lane boundary and this has the effect of opening up views of the developing site from the typically rural lane and is entirely unjustified. The engineering works on site have in part been completed, possibly several years ago at the time of the 2017 application for a garage on site. However, this proposed building is much larger and appears to require further excavation works and potentially more retaining features to the north of the site.
- 8.4 The NCC Landscape Officer initially objected and notes some queries regarding the cumulative impact of development on the site. An updated plan was submitted to include paving to the frontage and planting of 15 linear meters of native mixed hedging to the north which appears to mitigate some concerns at least. The Community Council has expressed concern over the combined impact of development on site and the Ecology Officer observes that the site has already been cleared. Notwithstanding, the widening of the access appears to have occurred more recently and within the last 2 years and will serve a large forecourt to be paved and viewed in the foreground of the very large new building proposed. Whilst the lack of objection from the Landscape and Ecology Officer's are noted, the impact of all of this development is significant and of demonstrable harm in this context. Any mitigation in the form of hedgerow planting on the northern boundary for example, does not overcome this objection.
- 8.5 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. The proposal suggests a Vivaro Pro Build-in Woodstone bat box and a self contained ridge roosting area for bats. The proposed hedge planting will also be beneficial but appears to replace or mitigate for landscaping already cleared/lost from site. The ecological baseline is unclear. In September 2023 Google Streetview shows the site as this:



In April 2025, it is shown as this:



Extensive vegetation removal appears to have taken place over the period and it is not clear that the biodiversity enhancement measures are sufficient to mitigate/compensate and provide net gain in accordance with Planning Policy Wales, paragraph 6.4.12.

- 8.6 The original submission did not include a Tree Protection Plan or Technical Advice Note. Subsequently, these were submitted and the NCC Tree Officer has offered no objections. However, no survey of tree and landscape features has been provided and no information to show the extent of clearance that has recently taken place is given but can be observed. No Green infrastructure Statement is provided. In this regard, 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 according to PPW12.

- 8.7 The proposed development will represent a prominent and excessively scaled building that will have a significant adverse impact upon the rural character and appearance of the site and appears to rely upon works including landscape removal, engineering works and access widening that further exacerbate its negative impact and has a demonstrable and significant adverse impact upon the rural character of the wider area. The site is the northern gateway to the Parc Seymour settlement and whilst it is located just within the urban boundary, its appearance and the character of the local area are more typically rural. The proposal, by reason of its location, scale and design will have a significant adverse impact upon the Wentwood Special Landscape Area that borders the site on 3 sides by significantly increasing built development on the site visible from a public vantage point.
- 8.8 The site is located in a mineral resource area. This is not impacted by the proposed development and it is therefore acceptable in this regard.

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 By reason of its scale, location and design, the development represents an unsympathetic and incongruous development that is of significant harm to the rural character and appearance of the area and the Special Landscape Area. Insufficient information has been provided to demonstrate that the proposal will result in biodiversity net gain having regard to more recent landscape clearance works. This is contrary to Policy SP8, GP5, GP6 and GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the adopted 'House Extensions and Domestic Outbuildings' Supplementary Planning Guidance.

11. DECISION

REFUSED

01

By reason of its scale, location and design, the development represents an unsympathetic, unjustified and incongruous development that is of significant harm to the rural character and appearance of the site, street and the Special Landscape Area. This is contrary to Policy SP8, GP5, GP6 and GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the adopted 'House Extensions and Domestic Outbuildings' Supplementary Planning Guidance.

02

Insufficient information has been provided to demonstrate that the proposal will result in biodiversity net gain having regard to more recent landscape clearance works and no Green Infrastructure Statement has been submitted. This is contrary to Policy SP8, GP5, GP6 and GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Planning Policy Wales 12.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Proposed Elevations SD1041-02D
- Proposed Plans SD1041-01D
- SD1041-00D Location Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP8, GP2, GP4, GP5, GP6 and M1 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.