

Delegated Decision Report

Application No:	25/0607	Statutory Period Expires:	26th November 2025
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Site:	11 Westfield Road Newport NP20 4ND		
Proposal:	PROPOSED NEW DRIVEWAY WITH CANOPY AND BIN STORE, ALONG WITH PROPOSED IN GROUND SWIMMING POOL & PATIO		
Applicant:	D Siemens		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The application site is located within the defined limits of The Shrubbery Conservation Area which is subject to an Article 4 Direction.

2. SITE LOCATION AND CONTEXT

- 2.1 11 Westfield Road is a two storey, detached dwelling located on the north side of Westfield Road in the Allt-yr-Yn ward. The property is located within the north/west section of the plot and benefits from a substantial garden area. The property is located within the defined settlement boundary and within Shrubbery Conservation Area.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks consent to install an in ground swimming pool in the north east corner of the garden area with a surrounding stone patio. The swimming pool will measure 4.2m in length, 6m in width and 2m in depth below ground level. The patio area will measure 115m².
- 3.2 It is also proposed to install a new driveway with a canopy and bin storage off Westfield Road. The proposed new canopy covering the driveway area would measure 3.2m in width and 5.1m in depth. The topography the land slopes slightly towards the property.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/1140	DEMOLITION OF EXISTING GARAGE, CHANGES TO FENESTRATION, INSTALLATION OF ROLLER SHUTTER AND WORKS TO HOUSE INCLUDING RE-RENDERING AND PAINTING (PART RETROSPECTIVE)	GRANTED WITH CONDITIONS	11/04/2024

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 HISTORIC ENVIRONMENT (WALES) ACT 2023

5.3 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.

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

5.4 Technical Advice Notes

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 10: tree preservation orders

Technical advice note (TAN) 12: design

Technical advice note (TAN) 24: the historic environment

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)

Policy GP4 (Highways and Accessibility)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

Policy CE7 (Conservation Area)

Policy T4 (Parking)

5.6 SUPPLEMENTARY PLANNING GUIDANCE HOUSE EXTENSIONS AND DOMESTIC OUTBUILDINGS SPG PARKING STANDARDS SPG SHURUBBERY CONSERVATION AREA APPRIASAL

6. CONSULTATION RESPONSES

6.1 Tree Team: *Objection- There are trees in and nearby the property and comments regarding the health of the tree have not been provided, therefore they have not demonstrated that there will be no harm.*

6.2 Local Highways Authority: *The applicant seeks to form a new vehicular access onto Westfield Road which is a privately maintained public highway. The applicant will need to demonstrate that 2 x 2m pedestrian visibility splays and 2 x 25m splays for vehicles can be provided. No structures or planting above a height of 600mm will be permitted within the splays. The driveway will need to be hard paved and suitable drainage should be employed to prevent surface water runoff. Any gates should be set back a minimum of 5m to allow a vehicle to leave the highway whilst the gates are opened. The applicant will need to demonstrate that above matters can be suitably addressed, and if this is unachievable, I must object to the application.*

6.3 Principle Heritage Officer: *11 Westfield Road is located within The Shrubbery Conservation Area. It is a positively contributing, large, detached Italianate Suburban villa, characteristic of*

the 19th century, set towards a corner of a large plot, leaving a generous encircling garden. Only glimpsed views of the characterful building are available from Westfield Road, through the substantial mature trees and heavily planted southern boundary. To the northern boundary, only the upper storey and roof of the building are visible, due to the high and prominent boundary wall. This random-rubble structure (with red-brick reveals to openings and cock-and-hen coping) is a very characterful feature in its own right, though it has, in my opinion, been harmed by the enlarged vehicular access gate approved under 23/1140 and not installed according to approved plans (see below). The building has a fine rusticated stucco finish to some elevations (though this appears to have been continued to finish the chimney stacks at some point in the past, presumably in a hard cementitious render).

I would conclude that the principal concern for the pool will be the potential for impact any such development will have upon biodiversity and any significant trees within the site, which make such a strong contribution towards the green and bucolic character of the conservation area. Any loss of said trees will result in harm to CA character and appearance.

Separate pedestrian gates and vehicular drives are today a common feature throughout the Conservation Area. These entrances are almost all marked by gate piers, frequently with iron railing gates and curved or winding driveways.

However, it seems almost certain that there will be issues regarding the mature trees to the southern edge of this site. I will await comments from our tree officer to this regard. As trees are protected within the CA – and make a very positive contribution towards its character and appearance, any loss of or harm to mature trees here will result in harm to the conservation area.

The proposed structure is also not considered to be characteristic of the area, wherein vehicular entrances are “almost all marked by gate piers, frequently with iron railing gates”. Such a structure will serve to reduce the generous garden (and the high proportion of green space to building within the site), and obscure/distract from those glimpsed views of the principal property which make such a positive contribution towards the character and appearance of the CA. This will also result in harm.

- 6.4 Sustainable Drainage Approval Body (SAB): *Having reviewed the submitted information, a SAB application may not be required.*

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 07.10.2025 and a site notice was put up on 07/10/2025.

7.1 NEIGHBOURS:

7.1.1 Objections to the proposed development have been received and are summarised below:

- 1) *Harm to conservation area character and setting*
- 2) *Loss of historic garden form and curtilage significance*
- 3) *Unacceptable impact on residential amenity (noise, activity, privacy, and light spill)*
- 4) *Drainage, ground stability and water management risks on a sloping site*
- 5) *Risk to boundary walls, structures and trees*
- 6) *Biodiversity and wildlife disturbance*
- 7) *Cumulative suburbanisation and precedent*
- 8) *Insufficient information to assess impacts*

The full comment can be viewed through Newport Planning Portal.

7.2 COUNCILLORS: Councillor Pat Drewett:

I wish to raise multiple material planning objections concerning the adverse impact on the residential amenity, character, and environmental quality of the area.

- 1) Noise, Disturbance and Privacy-** *The introduction of an in-ground swimming pool will inevitably generate increased noise from swimming, gatherings and social activities.*
- 2) Visual Impact and Overdevelopment-** *The scale and intensity of development would disrupt the established pattern of open, landscaped gardens that contribute to the Conservation Area's setting.*
- 3) Conservation and Light Pollution-** *Pool and patio lighting will inevitably follow would cause unacceptable light pollution in a currently tranquil area, The proposed new driveway, car canopy and bin storage will also need illumination will harm both the amenity of neighbours and the nocturnal environment.*
- 4) Drainage Issues-** *The Impermeable patio area and excavated swimming pool will alter the site's natural drainage patterns, increasing surface water runoff into adjoining land.*
- 5) Harm to the Conservation Area-** *The proposal's combination of modern hard landscaping, pool lighting, and built structures is inconsistent with the character and appearance of this sensitive historic setting.*
- 6) Access, Parking and Traffic Impacts-** *The new driveway and associated works risk increasing vehicle movements and disrupting established access arrangements in The Shrubbery Conservation Area. Construction traffic could cause obstruction, highway safety issues, and inconvenience to local residents. No construction management plan has been submitted to address these impacts.*

The full comment can be viewed through Newport Planning Portal.

7.3 COMMUNITY COUNCIL: None.

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 and the efficient use of land is encouraged. As the property is existing 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.

8.2 The Swimming Pool and Patio

8.3 Visual Amenity/ Character and Appearance

- 8.3.1 The proposed swimming pool would be sunken in the ground. It is considered that due to the position of the swimming pool, the development would not be overly obtrusive, and the scale of the proposed development would not be considered inappropriate in relation to its host dwelling. Additionally, the swimming pool is screened by hedgerow and boundary wall and cannot be viewed from the public realm. The material of the proposed patio would be permeable stone. It is not considered that stone would have an adverse impact on the character of the dwelling. It is therefore considered that the proposed development would not have a detrimental effect on the character or appearance of the host dwelling or wider street scene, in accordance with policy GP6.
- 8.3.2 The proposed development needs to be considered against the requirements of the Historic Environment Act:
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 8.3 It is considered that the development has a neutral but acceptable impact on the heritage site. Therefore, the proposed development meets the preserve element of the tests.

8.4 **Residential Amenity**

- 8.4.1 Given the size of the pool and the distance of the proposal from any neighbouring properties, it is not considered that the proposal would have an unacceptable detrimental impact on the living conditions of neighbouring occupiers by way of overbearing impact, loss of light, general disturbance or loss of privacy. Concern was raised via the public consultation relating to light pollution, there is no evidence to suggest that the pool would result in such an impact and it is noted that the site is not subject to any planning conditions relating to light therefore this element would not result in a reason for refusal, however if the application were to be recommended for approval details of lighting could be controlled via condition.
- 8.4.2 There have been concerns regarding noise and privacy with the installation of a swimming pool. Whilst a noise survey has not been undertaken, it is considered that the installation of a pool for private residential use would not result in an unacceptable adverse impact upon the living conditions of neighbouring occupiers due to its screened position and expected level of use.

8.5 **Drainage**

- 8.5.1 Whilst comments from the public consultation have expressed concerns regarding the draining issues that may arise from the proposed development, SAB have confirmed that a SAB application is not needed. Due to the small scale of the proposed development no other information is being sought. Given the scale of the proposal and the amount of undeveloped land around the development site no unacceptable impact in respect of drainage is anticipated.

8.6 **Biodiversity**

The Principal Heritage Officer comments state that the principal concern for the proposed pool would be upon the biodiversity within the area. However, there are no surrounding trees that would be harmed within site due to the development, and therefore it is considered that the swimming pool would not have a detrimental effect on the biodiversity within the area.

8.7 **The Canopy and Driveway**

8.8 **Visual Amenity/ Character and Appearance**

- 8.8.1 The proposed canopy area would be located toward the bottom of the garden, with access from a rear lane off Clytha Park Road, therefore the development would be readily visible within the public realm and would impact upon the character and appearance of the conservation area. The proposed canopy would have open timber boarding, a timber gate, and a tiled roof.
- 8.8.2 The Principal Heritage Officer has raised significant concern regarding the materials, scale and design of the structure stating that it would not be typical for the nature of development in the area and would obscure views towards the dwelling house which significantly contributes to the attractive character of the area. As the development has been identified to detract from the character and appearance of the area it is concluded that the development fails the preserve of enhance test as contained within the Historic Environment Wales Act.
- 8.8.3 Furthermore, the proposed development would be sited within close proximity to a number of mature trees, which are protected due to their position within the Conservation Area and have been identified as making a significant positive visual contribution to the character and appearance of the area. The application is unsupported by any evidence or survey that would suggest that the development would not have an unacceptable impact upon the longevity or health of the trees nor has the application demonstrated that the development can be constructed without resulting in conflict between the proposed development and the trees now or in the future as growth continues, in the absence of any information to demonstrate

that there would be no unacceptable impact upon the trees their presence and visual contribution is given significant weight in the assessment of this application and the proposal is considered to represent an unjustified threat to their long-term retention/health which would harm the overall character and appearance of the Conservation Area.

8.9 Highways

- 8.9.1 The Local Highways Authority have stated that the applicant will need to demonstrate that 2 x2m pedestrian visibility splays and 2 x25m splay for vehicles need to be provided. This information has not been submitted as part of this application therefore, highway/pedestrian safety has not been demonstrated to an acceptable level. Additionally, information regarding the paving and drainage system has not been provided which is needed to ensure that potential flooding will not arise however it is considered that details of material finish/drainage arrangements could be controlled via condition. Therefore, the proposed development is contrary to LDP Policies GP4 and T4.

8.10 Biodiversity

- 8.10.1 The Principal Heritage Officer and the Tree Team have concerns regarding the effect of the development in relation to the mature trees in the area. The Tree Team have objected on the grounds that a tree survey has not been provided, and the applicant has not demonstrated that they will not harm the health of the tree. The new access would be in close proximity to the trees which are protected by their position within the Conservation Area, and therefore an informed assessment upon the impact of development cannot be made. Furthermore, it is assumed that heavy vehicles will be needed to pass over the land during the construction, however as no information regarding the means of construction has been submitted, it is unknown the impact this will have on the trees within the area.
- 8.10.2 Additionally, it is considered that any loss of biodiversity in the area will have a significant impact on the bucolic character of the conservation area, resulting in a significant loss to the character and appearance of the Conservation Area.
- 8.10.3 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. The applicant has proposed to plant native planting including Fox Glove and Yarrow along the boundary wall, however it is considered that this would not be sufficient in securing the maintenance and enhancement of biodiversity due to scale of the proposed development and the lack of information relating to trees to establish if the proposed works would result in a net benefit. Additionally, a Green Infrastructure Statement has not been provided.
- 8.10.4 PPW12 6.4.12 states: "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". In accordance with the requirements of section 6.4.12 of PPW12 the absence of a biodiversity enhancement has been considered and as there are no other significant material considerations that would outweigh this requirement it is considered necessary to attach the lack of an enhancement as a further reason for refusal.

9.0 Response to third parties:

- 9.1 The matters raised via the public consultation have been considered in the assessment of this application and the material planning considerations addressed within earlier sections of this report. It is acknowledged that the applicant has provided a response to the objections/concerns raised however this has not overcome the harm that has been identified.

10. OTHER CONSIDERATIONS

10.1 *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.

10.2 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.

10.3 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.

10.4 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.

10.5 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.

10.6 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.

11. CONCLUSION

11.1 The proposed development results in an unacceptable adverse impact upon the character and amenity of the Conservation Area. Furthermore, the development is not supported by appropriate details/information to satisfy concerns relating to Trees/biodiversity or Highway/Pedestrian Safety. The proposal conflicts with the requirements of both local and national planning policies and is recommended for refusal.

**12. DECISION
REFUSED**

01 The proposed canopy and driveway due to its scale, design and position would result in an unacceptable level of visual harm that would fail to preserve or enhance the Character and Appearance of the Conservation Area contrary to Policy GP6 and CE7 of the Local Development Plan for Newport 2011-2026 (adopted January 2015) and the requirements of Technical Advice Note 24 and the Historic Environment (Wales) Act 2023.

02 Insufficient information has been submitted to demonstrate that the development would not have an unacceptable adverse impact on the health of trees within the conservation area contrary to Policies Policy GP5 and CE7 of the Local Development Plan for Newport 2011-2026 (adopted January 2015) and the requirements of Technical Advice Note 24 and the Historic Environment (Wales) Act 2023.

03 Insufficient information has been provided to demonstrate that the development would not have an unacceptable adverse impact upon highway and pedestrian safety contrary to Policies GP4 and T4 of the Local Development Plan for Newport 2011-2026 (adopted January 2015).

04 The proposal does not include a Green Infrastructure Statement or an appropriate scheme for biodiversity net-benefit, contrary to Policy SP1 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Chapter 6 of Planning Policy Wales (Edition 12) and Policy 9 of Future Wales.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 2513-PL01B - Revised Existing/Proposed Site Plan, 2513-PL02B - Proposed Pool Plan and Sections, 2513-PL03A - Proposed Drive with Open Canopy.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, CE7, 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.