

Delegated Decision Report

Application No:	25/0363	Statutory Period Expires:	24th July 2025
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Site:	<i>Fairfield Station Road Caerleon Newport NP18 1NH</i>		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR THE PART DEMOLITION OF EXISTING EXTENSION AND CONSTRUCTION OF A PROPOSED PARKING AREA		
Applicant:	<i>C Herbert</i>		
Type:	Lawful Development Proposed	Ward:	Caerleon
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The property is a semi-detached dwelling located on the corner of Station Road and Uskvale Drive. The site is located within the Caerleon ward but outside of the Conservation Area.

3. DESCRIPTION OF DEVELOPMENT

3.1 On the rear elevation of the property there is a single storey brick extension as well as a smaller single storey porch extension. It is proposed to demolish the porch extension in its entirety as well as demolish part of the brick extension to reduce its depth from 7.5m to 3.2m. The demolition is proposed to create space for a parking area next to the existing detached garage in the rear garden. The parking area would be accessed off Usk Vale Drive. As the rear garden is set at a higher level than the road, a significant amount of materials would need to be removed and retaining walls erected in order to create a parking area level with the road.

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

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)
Not relevant.

5.4 Supplementary Planning Guidance
Not relevant.

6. **CONSULTATION RESPONSES**
None.

7. **PUBLIC REPRESENTATIONS**
None.

8. **ASSESSMENT**

8.1 **Demolition**

As the volume of the extensions do not exceed 50 cubic metres, the works are not on a listed building or within a conservation area but do include demolition of boundary treatments (in part), they do not require planning permission to be demolished as they do not amount to development having regard to the saved provisions of the Town and Country Planning (Demolition – Description of Buildings) Direction 1995.

8.2 **Access**

Regarding the creation of an access, Part 2 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 is relevant and states;

‘The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).’

Whilst Station Road is a classified road, the access would be from Usk Vale Drive which is not a classified road. It is therefore considered that the creation of the access would be permitted development.

8.3 **Hard Surface**

A hard surface would be constructed to facilitate the parking area. Class F of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 is relevant and states;

‘Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F within the curtilage of a listed building.

Conditions

F.2 Development is permitted by Class F subject to the condition that where:

- (a) the area of ground to be covered by the hard surface is situated forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, or
- (b) the area of hard surface to be replaced would be forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, and (taking into account any area of hard surface previously replaced) would exceed 5 square metres, the hard surface must be —
 - (i) porous or permeable; or
 - (ii) provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
 - (iii) permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

8.4 **Retaining Walls**

As the site sits higher than the road, a significant amount of material would be required to be removed in order for the parking area to be level with the road. Following this, retaining walls at a height of 1.1m are proposed. Part 2 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 is relevant to the erection of walls and states;

A. Permitted development

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

A.1 Development not permitted

Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The height of the wall would exceed a height of 1m adjacent to a highway and therefore would fail to comply with the above and would therefore require planning permission.

It is also considered that the scale of the work to facilitate the creation of a parking area level with the road would constitute an engineering operation that is development and not specified as permitted by the Order and would therefore also require planning permission.

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 fails to accord with the criteria set out in Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and planning permission is required.

11. DECISION

REFUSED

01 The proposal fails to accord with the criteria set out in Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and planning permission is required.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Location Plan Drawing Ref.1, Existing Site Plan Drawing Ref.2, Proposed Site Plan Drawing Ref.3, Cross Sectional Views Drawing Ref.4, Existing Elevations Drawing Ref.5 and Proposed Elevations Drawing Ref.6A.

02 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.