

APPLICATION DETAILS

No: 23/0379 Ward: **Tredegar Park And Marshfield**

Type: Full

Expiry Date: 2 AUGUST 2023

Applicant: **N & R HOWELLS & MORGAN WHITE GATES OUTFALL LANE ST BRIDES WENTLOOGE NEWPORT**

Site: **White Gates Outfall Lane St Brides Wentlooge Newport NP10 8SS**

Proposal: **DEMOLITION AND REMOVAL OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING (RE-SUBMISSION FOLLOWING REFUSAL OF 22/1223)**

1. LATE REPRESENTATIONS

- 1.1 The occupiers of Greenfields (which is a neighbouring property to the development site) has submitted the following additional comments to the application.

We request that Planning Committee consider the application with reasonableness. This proposal requests to substantially exceed several established policies in the Newport Development Plan and Planning Policy Wales. These policies support reasonable development and protect the character of the green wedge and SSSI status of the Wentlooge levels. The Planning Committee is the custodian of these policies to protect this special environment. All members have a duty to be responsible and reasonable when reaching decisions.

Policy SP7 states that rural development should not exceed 30% increase in size. This planning application not only significantly exceeds this 30% increase on the ground floor accommodation alone, but the application also adds a large first floor with 5 bedrooms (1 of which will be used as a cinema room). Does the committee consider this is a reasonable tolerance? If there is such a large deviation from this policy what explanation would be provided for this.

Policy H12 allows for a modest increase in size but does not allow a much larger dwelling that would be on a different scale to the original. This policy protects the openness of the green wedge and the character and appearance of the surrounding area.

The plot of land for the proposed development is large at approx. half an acre, the plot is deep but only 28 meters wide. The proposed development is very wide at approx. 20 meters, the plans indicate the development will be only 4 meters (equivalent to approx. 2 parked cars) from our property. This distance whilst being quite common and acceptable within urban settings is not normal within the rural setting. The current property is only 13 meters wide; this development would therefore represent an increase in width of 65%. (NB. the proposed property has had its orientation rotated by 90 degrees on the submission. The view listed as Side Elevation on the existing building is actually the front facing aspect towards the lane) Is this increase in width reasonable and what exceptional circumstances exist to approve this size?

Policy GP6 concerns the quality of design. All developments should appropriately reflect the scale of adjacent townscape, the policy specifically states that care should be taken to avoid over-scaled development.

Whilst it is reasonable that the application uses the highest point on neighbouring properties to establish an acceptable height. It is worth noting that the roof ridge at this height on our property represents approx. 2% of the overall roof. The style of roof contained in this application does not exist in the local area and is rare even within the whole UK. This development is in a quiet single-track lane within a row of 4 bungalows, the design in this application is not in keeping with the character of the lane. Notably the proposal includes an unusual mansard style roof (Ref Diagram 1) with a large flat roof area in the centre, the flat roof area is approx. 110 – 120 square meters (1184 – 1291 square

foot). The large flat roof is in line with the high point, this makes the proposed build bulky in comparison to other properties. Without recourse to this highly unusual and out of character roof it would be impossible to design a property of this scale on this plot. Is it reasonable to approve this unusual and bulky roof style?

Policy GP2 includes protection of privacy and any detrimental effect on nearby occupiers. The report on the previous application accepts that the four properties in the north of Outfall Lane have always enjoyed a higher level of privacy, therefore we would ask the committee to consider if it is reasonable to approve plans that totally remove this privacy to the whole of our back and side garden. The garden will be clearly visible from any of the multiple dormer windows on the rear of this property. Other properties on Outfall Lane are not rectangular blocks but are sympathetically designed to maintain this high level of privacy that exists to the rear land both for line of sight and sound transfer.

Is it reasonable that our bungalow which has only ever had one neighbouring property and has never been overlooked (all other boundaries are onto open countryside), should have no privacy in the garden.

The application now includes a cesspit. As this is not permitted on new builds on the Wentlooge Levels, a supporting document states that all other options had been ruled out. However there appears to have been no investigation into a discharge to the largest reën in close proximity to the plot, this lies approx. 30 meters to the south of the plot and maintains a good water flow year-round. (this reën runs adjacent to Greenfields). Would the committee consider it is reasonable to expect the applicants to have investigated this as an approved drainage option?

The protected windows on our property, Greenfields, are currently blocked by a 1.94 meter close board length of fence constructed by the applicants approx. half a meter within their land. The landscaping plans submitted include a fence of this height on the boundary, whilst we are aware that the right to light is not within the objections considered by the planning committee, it was felt reasonable to highlight this as an example of actions which have not been neighbourly.

This application does not only breach a single policy, but multiple policies, namely SP7, H12, GP2 and GP6. These policies and Planning Policy Wales seem very clear on what can be approved. This application greatly exceeds the stated limits. For developments in the Green Wedge the Welsh Government policy states 'a presumption against inappropriate development will apply'. Therefore, we maintain that this development does not meet the standards of either the Welsh or Newport policy and fails to establish that this is a very exceptional case as required within the policy. We would therefore suggest that this application cannot be reasonably approved by this committee.

Concerns have been raised that the proposed dwelling appears to be larger than the volumes expressed in the officer report.

Appendix 1

NEWPORT LOCAL DEVELOPMENT PLAN 2011 – 2026 ADOPTED PLAN January 2015

Extracts for reference

SP7 Green Wedges

GREEN WEDGES HAVE BEEN IDENTIFIED IN ORDER TO PREVENT COALESCENCE BETWEEN THE FOLLOWING SETTLEMENTS:

- i) NEWPORT AND CARDIFF;
- ii) ROGERSTONE AND RISCA;
- iii) BETTWS, MALPAS AND CWMBRAN;
- iv) CAERLEON AND CWMBRAN.

WITHIN THESE AREAS DEVELOPMENT WHICH PREJUDICES THE OPEN NATURE OF THE LAND WILL NOT BE PERMITTED. AN INCREASE IN SIZE OF A DWELLING OF MORE THAN 30% OF THE VOLUME OF THE ORIGINAL SIZE OF THE DWELLING, OR AS EXISTED IN 1948, WILL NOT BE APPROVED

2.27 Green Wedges have been designated on a common basis with the other local planning authorities in South Wales. The prime purpose of Green Wedges is to prevent coalescence between urban areas. The designation is not made necessarily on the basis of the physical quality of the landscape, but rather to maintain their openness. The areas designated tend to have significant importance for their openness and for their role in maintaining the distinct identity of separate communities.

2.28 Planning Policy Wales (Paragraph 4.8.14 – 4.8.18) sets out what is considered inappropriate development within green wedge allocations, and should be referred to for guidance.

2.29 Any application to increase the size of a dwelling by more than 30% is likely to have a negative impact on the openness of the green wedge and will not be approved.

Relevant Objectives and Background Paper Objectives:

6. Conservation of the Natural Environment

H12 Replacement Dwellings in the Countryside

BEYOND DEFINED SETTLEMENT BOUNDARIES, PROPOSALS TO REPLACE A DWELLING WITH A NEW DWELLING WILL BE PERMITTED PROVIDED THAT:

- i) THE VOLUME OF THE NEW DWELLING IS NOT MORE THAN 30% LARGER THAN THAT OF THE ORIGINAL DWELLING, OR AS EXISTED IN 1948, TO BE REPLACED;
- ii) THERE IS A CONDITION ATTACHED TO THE PLANNING PERMISSION TO PREVENT SUBSEQUENT EXTENSION OR OUTBUILDINGS;
- iii) THE EXISTING DWELLING HAS A LAWFUL RESIDENTIAL USE;
- iv) THE NEW DWELLING IS SITED TO PRECLUDE THE RETENTION OF THE DWELLING IT IS TO REPLACE, OR THERE IS A CONDITION OR PLANNING OBLIGATION TO ENSURE THE DEMOLITION OF THE ORIGINAL DWELLING ON COMPLETION OF THE NEW DWELLING;
- v) ANY EXISTING AGRICULTURAL TIE SHALL BE ATTACHED TO THE NEW DWELLING.

5.26 This Policy is designed to allow the updating of residential accommodation, particularly where this is now seen to be substandard, but only in the context of allowing a modest increase in its size, not to allow a much larger dwelling that would be on a different scale to the original. If such a proposal is made, it will be treated as if it were a new dwelling in the countryside. In either case, the requirements of any other relevant Policies of the Plan will of course also need to be met. While the 30% volume limit should be applied in principle, where it can be demonstrated that an increase above 30% will not have a detrimental impact upon the character and appearance of the surrounding area such development may be considered acceptable.

GP2 General Development Principles – General Amenity

DEVELOPMENT WILL BE PERMITTED WHERE, AS APPLICABLE:

- i) THERE WILL NOT BE A SIGNIFICANT ADVERSE EFFECT ON LOCAL AMENITY, INCLUDING IN TERMS OF NOISE, DISTURBANCE, PRIVACY, OVERBEARING, LIGHT, ODOURS AND AIR QUALITY;
- ii) THE PROPOSED USE AND FORM OF DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE VISUAL AMENITIES OF NEARBY OCCUPIERS OR THE CHARACTER OR APPEARANCE OF THE SURROUNDING AREA;
- iii) THE PROPOSAL SEEKS TO DESIGN OUT THE OPPORTUNITY FOR CRIME AND ANTI-SOCIAL BEHAVIOUR;
- iv) THE PROPOSAL PROMOTES INCLUSIVE DESIGN BOTH FOR THE BUILT DEVELOPMENT AND ACCESS WITHIN AND AROUND THE DEVELOPMENT;
- v) ADEQUATE AMENITY FOR FUTURE OCCUPIER

GP6 General Development Principles – Quality of Design

GOOD QUALITY DESIGN WILL BE SOUGHT IN ALL FORMS OF DEVELOPMENT. THE AIM IS TO CREATE A SAFE, ACCESSIBLE, ATTRACTIVE AND CONVENIENT ENVIRONMENT. IN CONSIDERING DEVELOPMENT PROPOSALS THE FOLLOWING FUNDAMENTAL DESIGN PRINCIPLES SHOULD BE ADDRESSED:

- i) CONTEXT OF THE SITE: ALL DEVELOPMENT SHOULD BE SENSITIVE TO THE UNIQUE QUALITIES OF THE SITE AND RESPOND POSITIVELY TO THE CHARACTER OF THE AREA;
- ii) ACCESS, PERMEABILITY AND LAYOUT: ALL DEVELOPMENT SHOULD MAINTAIN A HIGH LEVEL OF PEDESTRIAN ACCESS, CONNECTIVITY AND LAID OUT SO AS TO MINIMISE NOISE POLLUTION;
- iii) PRESERVATION AND ENHANCEMENT: WHERE POSSIBLE DEVELOPMENT SHOULD REFLECT THE CHARACTER OF THE LOCALITY BUT AVOID THE INAPPROPRIATE REPLICATION OF NEIGHBOURING ARCHITECTURAL STYLES. THE DESIGNER IS ENCOURAGED TO DISPLAY CREATIVITY AND INNOVATION IN DESIGN;
- iv) SCALE AND FORM OF DEVELOPMENT: NEW DEVELOPMENT SHOULD APPROPRIATELY REFLECT THE SCALE OF ADJACENT TOWNSCAPE. CARE SHOULD BE TAKEN TO AVOID OVER-SCALED DEVELOPMENT;
- v) MATERIALS AND DETAILING: HIGH QUALITY, DURABLE AND PREFERABLY RENEWABLE MATERIALS SHOULD BE USED TO COMPLEMENT THE SITE CONTEXT. DETAILING SHOULD BE INCORPORATED AS AN INTEGRAL PART OF THE DESIGN AT AN EARLY STAGE;
- vi) SUSTAINABILITY: NEW DEVELOPMENT SHOULD BE INHERENTLY ROBUST, ENERGY AND WATER EFFICIENT, FLOOD RESILIENT AND ADAPTABLE, THEREBY FACILITATING THE FLEXIBLE REUSE OF THE BUILDING. WHERE EXISTING BUILDINGS ARE PRESENT, IMAGINATIVE AND SENSITIVE SOLUTIONS SHOULD BE SOUGHT TO ACHIEVE THE RE-USE OF THE BUILDINGS.

Planning Policy Wales

Edition 11 | February 2021 Extracts for reference

Managing Settlement Form – Green Belts and Green Wedges

3.71

To maintain openness, development within a Green Belt and green wedge must be strictly controlled. When including Green Belt and green wedge policies in their plans, planning authorities must demonstrate why normal planning and development management policies would not provide the necessary protection.

3.73

When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be

attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation. Policies should be devised to outline the circumstances when development would be permitted in these areas where the openness of the Green Belt or green wedge will still be maintained.

3.74

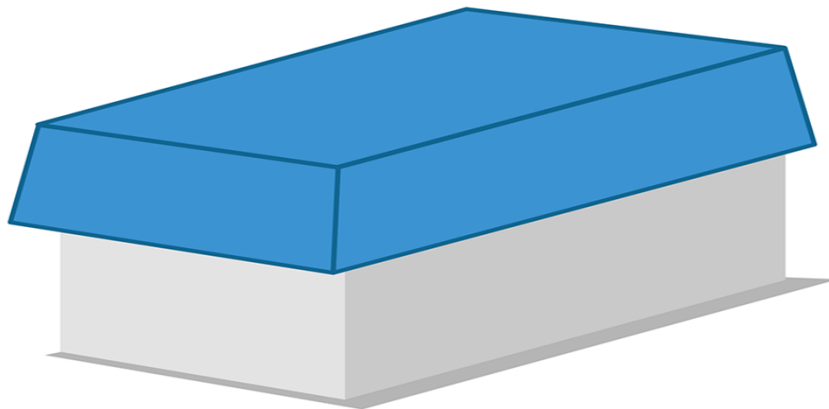
Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

3.75

The construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings; or
- small scale diversification within farm complexes where this is run as part of the farm business

Diagram 1



Mansard Roof

Note 1

In preparing this statement we have referred to Newport council guidance from the website:-

Examples of considerations include:

- Siting, design and external appearance of the proposed development (e.g. height or bulk in relation to neighbouring properties)
- Loss of sunlight or daylight
- Loss of privacy
- Likelihood of undue noise or fumes
- Adequacy of proposed parking and access arrangements
- Effect of additional traffic
- Effect on trees

- Landscaping and proposals for boundary treatment (walls or fences)

Objections which cannot normally be taken into account include:

- Effect on property values
- Effect on structural stability (this may be covered by the Building Regulations)
- Noise, disturbance or inconvenience resulting from construction works (this is covered by the Control of Pollution Act)
- Boundary disputes (including Party Wall agreement issues)
- Restrictive covenants (including rights to light)
- Opposition to business competition
- Applicant's personal circumstances (unless these can be shown to be relevant in planning terms e.g. provision of disabled facilities)

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 The neighbour's comments can be summarised as follows:

- Scale and massing of development
- Design
- Privacy
- Impact of fence of protected windows
- Cesspit

2.2 Scale and massing of development

The scale and massing of development and the context of policies SP7 and H12 of the Newport Local Development Plan in particular has been addressed in paragraphs 7.4.8 to 7.4.11.

2.3 Design

The neighbour has expressed concern about the design and in particular the Mansard style roof. Design has been addressed in paragraph 7.5.3 of the officer report. The Mansard style would be different to the roofs of neighbouring properties which have a mix of pitched and hipped roofs. However, whilst the existing properties share the characteristic of having a low profile, they each have different designs; there is no standard design in the row. It is not therefore considered that Mansard style roof would be unduly out of character. The proposed dwelling would have a front projecting pitched gable extension which reflects the design of Willowbrook. Whilst the Mansard roof would extend with greater depth due to its design, again, this is not considered to be unduly harmful to the visual amenities of the area and the designated Green Wedge.

2.4 Privacy

The current property is a bungalow with no dormer windows in the roof space. The proposed development would also extend in width closer to the neighbouring boundary. It is therefore acknowledged that the neighbouring property currently enjoys a very high standard of privacy and that the proposed development will reduce that level of privacy to its increased proximity to the boundary and the introduction of dormer windows.

However, the dormers would face down the garden and not towards the neighbouring boundary resulting in a level of privacy that is considered to be reasonable and in keeping with many properties in Newport, whether that be in urban or rural locations where there are rows of residential properties.

2.5 Impact of fence of protected windows

The fence along the side boundary would not exceed 2 metres in height which is considered reasonable (in fact, such a fence can be erected under permitted development rights).

2.6 **Cesspit**

The foul drainage assessment undertaken by the applicant refers to the ditch that runs along Outfall Lane, which was the one suggested by Natural Resources Wales. According to the assessment, the ditch suggested by the neighbour which runs to the south of Greenfields, was not assessed as an option. On the basis of the information available, it is therefore not possible to confirm whether this ditch would provide a suitable option to enable a package treatment plant to be installed as opposed to a cesspit. Notwithstanding this, it is considered that the applicant has reasonably considered the options before them and Officers are of the view that a new system would be betterment when compared to the existing situation.

2.7 **Concern regarding the accuracy of the calculations of volume of the proposed dwelling**

The volumes are 'internal' calculations rather than external, which may explain why the neighbour feels that the volumes calculated by the architect appear low. However, the architect has confirmed that the volume of the existing dwelling was also internally measured, so the percentage increase is on a like for like basis.

Ultimately, we have identified and acknowledged that the proposed dwelling would breach the 30% increase espoused in policy but the main issue, as highlighted in the report, is the assessment of actual impact or harm of that. Officers do not consider that the proposed dwelling would unduly impact upon the openness of the Green Wedge and would be reasonably in keeping with the area and neighbouring properties.

3. **OFFICER RECOMMENDATION**

3.1 The recommendation remains to grant subject to conditions.