



## Appeal Decision

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by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Decision date: 07/03/2023

Appeal Reference: CAS-02419-V2S9T9

Site Address: 107 The Meadows, Marshfield, Cardiff, CF3 2DY

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Caroline Weber against the decision of Newport City Council.
  - The application Ref: 22/0282, dated 21 March 2022, was refused by notice dated 23 September 2022.
  - The development proposed is single storey front extension to create enclosed porch and two storey side extension.
  - A site visit was made on 13 February 2023.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have taken the description of development from the Council's Notice of Decision as it represents a more concise and accurate description of the development proposed. As this is consistent with that outlined on the Appeal Form, I am satisfied that there is no prejudice in this respect.

### Main Issues

3. These are the effect of the proposed development upon: the character and appearance of the host property and surrounding area; and local ecological interests.

### Reasons

4. The appeal relates to a detached two storey dwelling located to the north-west of the cul-de-sac known as '*The Meadows*' in Marshfield. The dwelling incorporates a single storey lean-to addition and a two storey gable feature to the principal elevation. The appeal proposal seeks planning permission to construct a single storey front extension to create an enclosed porch and a two storey side extension. The materials proposed seek to introduce white render with western red cedar wood cladding to the external elevations.

#### *Character and Appearance*

5. I am not persuaded that the principle of introducing a small gable to the front porch would cause material harm to the host property, not least because the front elevation already

incorporates a gable feature. Nevertheless, having regard to the design detailing, including the use of glazing, I agree with the Council that the feature proposed in this instance would fail to integrate with that of the host dwelling. Moreover, by virtue of the proposed scale, siting and overall design of the proposed side/ front extension, I concur with the Council's assessment that the structure would appear as a contrived and incongruous addition to the property. In coming to this conclusion, I have been particularly mindful of the relationship between the side structure and the wrap around front gable feature that would jar with the modest simplicity of the appeal property. The proposed use of materials would also unnecessarily conflict with both the use of materials on the host dwelling and the prevailing use of materials in the area.

6. I have had full regard to the location of the appeal site and the characteristics of the wider area. I have also viewed each of the other individual properties cited within the appellant's evidence. However, whilst I note the end of cul-de-sac location and the varied architectural design in the wider vicinity, I do not consider that such factors justify the specific harm identified above. Moreover, whilst I note that the developments cited in the appellant's evidence include a broad range of extensions and alterations, none of the cases incorporate the exact same circumstances to that proposed in this instance. The weight that can be attributed to those cases is therefore limited. Notwithstanding this, it is a well-established principle of planning that each case should be treated on its own particular merits and it is on this basis that I have considered this proposal.
7. For these reasons, I find that the proposed development would cause material harm to the character and appearance of the host property and surrounding area. It would therefore conflict with the aims of Policy GP6 of the adopted Newport Local Development Plan 2011- 2026 (Adopted 2015) (LDP), as well as the thrust of the Supplementary Planning Guidance (SPG) document entitled '*House Extensions and Domestic Outbuildings*'. For the same reasons, it would also conflict with the placemaking principles that underpin national policy.
8. The Council contends that the proposed development would also give rise to undue pressure to trim or fell a tree which is considered to be beneficial to the visual amenity of the area. I was able to confirm at the time of my site visit that the tree in question does make a positive contribution to the visual amenity of the area and there is no doubt that the development could give rise to health and safety issues. However, whilst the loss of this tree would further harm the character and appearance of the area, it is not subject of a Tree Preservation Order (TPO) and a scheme of mitigation and/ or compensation has not been discounted. Such matters have not therefore been determinative in the consideration of this issue.

### *Ecology*

9. The Council contends that insufficient information has been submitted to ensure that the development would not have an adverse impact on the Gwent Levels Rumney and Peterstone Site of Special Scientific Interest (SSSI) and adjacent Wood Ditch reën. The Council's concerns are consistent with the written submissions of Natural Resources Wales (NRW), which raised particular concerns regarding land drainage and the proximity of the foundations to the adjacent reën.
10. The Gwent Levels Rumney and Peterstone SSSI is noted for its range of aquatic plants and invertebrates associated with the reëns and ditches of the drainage system. The special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Without the necessary information in respect of land drainage and the specific details of the proposed foundations, the development could clearly have an adverse impact upon the SSSI and its ecological interests. I note the appellant's references regarding the fact that an

existing retaining wall would prevent any harm. However, in the absence of full details, such assertions can only carry limited weight.

11. The appellant suggests that full details could be secured through the use of planning conditions. I also note that some concerns could be controlled through a pollution prevention plan. However, given that there remains some uncertainty regarding the ability to sufficiently mitigate against any harm, I consider that the Council was correct not to defer such details to planning conditions. Indeed, to do so would conflict with the thrust of the advice contained within national policy relating to the use of planning conditions.
12. I therefore find that there is insufficient information to demonstrate that the proposed development would not cause unacceptable harm to the ecological interests associated with the SSSI. The development would therefore conflict with both Policy GP5 of the adopted LDP, as well as the thrust of national policy set out in PPW and Technical Advice Note 5: *Nature Conservation and Planning* (2009) (TAN5).

#### *Overall Conclusions*

13. I have found above that the development would cause material harm to the character and appearance of the host property and surrounding area. I have also found that it has potential to have an unacceptable impact upon local ecological interests. Such concerns are not in my view outweighed by the benefits of the scheme that include the improved living accommodation that the development would provide. Rather, I consider that the identified harm and associated policy conflict amount to compelling reasons why planning permission should be withheld in this instance. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.
14. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR