

Delegated Decision Report

Application No:	25/0450	Statutory Period Expires:	12 th September 2025
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Site:	10 Japonica Close Newport NP20 6JQ		
Proposal:	CHANGE OF USE TO RESIDENTIAL, ERECTION OF FENCING AND OTHER ASSOCIATED WORKS (RETROSPECTIVE)		
Applicant:	S Magee		
Type:	Full	Ward:	Malpas
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The property is a two-storey semi-detached dwelling located on Japonica Close in the Malpas Ward. Externally, the property is finished in red brick with brown cladding and UPVC windows.

2.2 The site is within the defined settlement boundary as identified by Policy SP5 of the Newport Local Development Plan 2011 – 2026. Surrounding the property is predominantly residential dwellings. There is a grassed area to the south of the dwelling, known as the Pilton Vale Green Corridor, as identified by Policy CE3 of the Newport Local Development Plan 2011 – 2026.

3. DESCRIPTION OF DEVELOPMENT

3.1 Retrospective planning permission is sought for the change of use of a parcel of land to residential garden area, the erection of 1.2m fencing and hard surfacing at land to the south of no.10 Japonica Close.

3.2 The width of the garden has been expanded by 3.7m for a depth of 15.2m to provide an enlarged driveway. Prior to the extension of the garden, the existing driveway measured 3.6m in width, meaning that the total width of the drive has been increased to 7.3m. The garden extension projects south of the dwelling and is bound by 1.2m tall feather board fencing for a distance of 7.45m. The driveway is finished in dark grey tiles with a loose pebble border along the southern edge and a 1.2m brickwork pillar topped with a coping stone has been erected in the southwestern corner of the driveway to match the adjacent.

3.3 Green shrubbery has been planted parallel to the existing boundary for a depth of 7.75m to the rear boundary. The shrubbery connects to the feather board fencing along the southern boundary to the rear boundary of the rear garden. The shrubbery encloses a grassed area.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
09/0110	DEMOLITION OF EXISTING PORCH AND ERECTION OF NEW PITCHED ROOF PORCH	GRANTED WITH CONDITIONS	27.03.2009

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)

Policy SP1 – Sustainability states that proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. They will be assessed as to their potential contribution to: i) the efficient use of land; ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage newport local development plan 2011 – 2026 january 2015 17 and encourage a modal shift to more sustainable modes of transport; iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources; v) the minimisation, re-use and recycling of waste; vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change; vii) improving facilities, services and overall social and environmental equality of existing and future communities; viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres; ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment; x) conserving and ensuring the efficient use of resources such as water and minerals

Policy SP9 – Conservation of the Natural, Built and Historic Environment states that the Conservation of the Natural, Historic and Built Environment the conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.

Policy CE3 – Environmental Spaces & Corridors states that in and adjoining the urban and village areas, and in areas identified for comprehensive development, sites having existing importance for their visual qualities, as wildlife habitats or for recreational or amenity purposes, will be safeguarded as “environmental spaces and corridors”. Development in these spaces will be permitted only where: i) The existing or potential environmental qualities of the site will be improved or complemented; ii) There is no adverse impact on international, European, national, regional or local nature conservation interest; iii) There is not a loss, without appropriate replacement, of a recreational, open space, or amenity resource for the immediate locality unless it can be demonstrated that there is an excess of provision or facilities can be enhanced through development of a small part of the site. proposals to enhance or improve existing environmental space provision will be encouraged where practicable. Additional provision will be sought in areas where a deficit has been identified.

Policy GP2 – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP5 – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

5.4 THE TREES, WOODLANDS, HEDGEROWS AND DEVELOPMENT SITES
SUPPLEMENTARY PLANNING GUIDANCE

6. CONSULTATION RESPONSES

6.1 HIGHWAYS OFFICER

No response received to date.

6.2 LANDSCAPE OFFICER

No objection

6.3 TREE OFFICER

Objection

There are objections to this application. The land with the proposed building and fencing was designated as public open space at the time that the planning consent was granted circa 1970s. NCC has maintained the land ever since. Individuals should not profit/benefit from land which should be for the benefit of all i.e. a public open space.

The following policies are relevant: - Newport City Council's Climate Change Emergency declared "in November (2021) Newport Council declared an ecological and climate emergency that recognised the need to protect Newport's local environments and reduce carbon emissions across the City. The motion would ensure that all future decisions and policies made by Newport Council would be integrated across all areas of Council activity and the Council would lead by example through partnership working."

Relevant policies: -

Planning Policy Wales 2.1 Planning Policy Wales (PPW) provides the national strategic guidance with regard to land use planning matters in Wales. Sustainable Development Principles are inherent to national planning policy which expects all those involved in the planning system to adhere to those SD Principles. Of particular relevance in this case is the 2 need to ensure a long-term perspective to safeguard the interest of future generations, to respect environmental limits so that the environment is not irreversibly damaged and to assist in tackling climate change. This can be achieved through good design of development which takes into account the relationship between the natural and built environment.

Local Development Plan 2011-2026. Policy GP5: General Development Principle, Natural Environment, Criterion vii): [DEVELOPMENT WILL BE PERMITTED WHERE] 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. GP2 General Development Principles "there will not be an adverse effect on local amenity" - is relevant.

6.4 ENVIRONMENTAL HEALTH

No response received to date.

6.5 SENIOR DRAINAGE MANAGER

No response received to date.

6.6 DWR CYMRU

No objection.

6.7 SENIOR SCIENTIFIC OFFICER

No response received to date.

7. PUBLIC REPRESENTATIONS

Neighbour letters were sent on 31.07.2025.

7.1 NEIGHBOURS: 5no neighbours were consulted. No representations received to date.

8. ASSESSMENT

8.1 Policy CE3 states that in urban and village areas, sites having existing importance for their visual qualities, as wildlife habitats or for recreational or amenity purposes, will be safeguarded as “environmental spaces and corridors”. The grassed area to the south of 10 Japonica Close is identified as the Pilton Vale Green Corridor. Development in Environmental spaces is only permitted where:

- i) The existing or potential environmental qualities of the site will be improved or complemented;
- ii) There is no adverse impact on international, European, national, regional or local nature conservation interest;
- iii) There is not a loss, without appropriate replacement, of a recreational, open space, or amenity resource for the immediate locality unless it can be demonstrated that there is an excess of provision or facilities can be enhanced through development of a small part of the site.

Proposals to enhance or improve existing environmental space provision will be encouraged where practicable and additional provision will be sought in areas where a deficit has been identified. The proposal has resulted in the loss of 3.7m x 7.45m of the grassed area, for use as a hard surfaced private driveway. As such, it is considered that the proposal does not accord with criterion i and ii of Policy CE3. No replacement recreational/open space or amenity space has been proposed to account for the loss of green space nor can it be, and as such, the proposal does not accord with criterion iii. With regard to the above, the proposal is detrimental to the Pilton Vale Green Corridor and is therefore unacceptable, having regard to Policy CE3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The Council's Tree Officer has raised objections to the proposal on the basis the site and wider open space has been publicly maintained and available for the wider public for many years. This is correct although it is understood that the land is within the applicant's ownership. Nonetheless, the criterion of Policy CE3 would still be applicable in this instance.

8.2 Visual Amenity/ Character and Appearance;

The driveway is finished in a dark grey tile with a loose pebble border along the southern edge and a 1.2m brickwork pillar, topped with a coping stone has been erected in the southwestern corner of the driveway. Prior to the extension of the garden, the existing driveway measured 3.6m in width. The extension has increased the total width of the drive to 7.3m. Japonica Close is typically characterised by landscaped front gardens with low front walls and single/in-line off road parking spaces to the side of the dwelling. The landscaped front gardens contribute to a pleasant street scene which at present, remains relatively unaltered by development. It is acknowledged that the former driveway, prior to the curtilage extension was more akin to the driveways along Japonica Close and was more in keeping with the pattern of development. The enlarged driveway has resulted in the introduction of a bland and sterile parking area adjacent to a pleasant grassed open space which is harmful to the visual amenity of the streetscene in the context of Japonica Close. It also appears as a distinct afterthought and incongruous, prominent encroachment in the wider open space. Behind the dog-legged fence line, a significant area has been demarcated with new shrub planted boundary which adds to the visual prominence of the development and appears to run very close to established tree features. No tree information has been provided. This significant encroachment into the environmental space and domestication of former public open space is of significant harm to wider amenity and sets a very undesirable precedent for further encroachment into the environmental space leading to its piecemeal erosion and associated impact on community wellbeing and amenity.

8.3 Planning Policy Wales, Edition 12 (PPW) states at paragraph 3.9 that “The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.” The overall character of the area is one of a strong pattern and grain of development. The buildings are set back from the road,

generally behind small front gardens or parking areas, which provide a feeling of openness enhanced by the very pleasant area of environmental space which offers permeable and attractively landscaped open land of recreational and general amenity value. The development has introduced a bland and sterile parking area, occupied by vehicles on an area of open green space of wider amenity value and without justification. Off road parking has been created at the expense of on road parking so that the provision of off road parking is not a merit of the scheme that outweighs the objection in this case. (Pilton Vale Green Corridor) m. As such, the proposed extension is considered a visually prominent incongruous feature that would detract from the character and appearance of the area, particularly when viewed from Japonica Close and Roman Way. Accordingly, it is considered that the proposal would be harmful to the character and appearance of the area. The proposal would therefore conflict with the Newport Local Development Plan (LDP) Policies GP2, GP6 and CE3 which, among other things, seek to ensure that all development is not detrimental to the character or appearance of the surrounding area.

Residential Amenity:

8.4 Due to the location of the curtilage extension and associated fencing, the development does not have an unacceptable overbearing impact or result in loss of light to any neighbouring property. However the loss of publicly accessible open space has wider residential amenity implications and in this case the encroachment is unnecessary and harmfully erodes the environmental space which is of wider public benefit.

8.5 **Trees/Biodiversity:**

The Trees, Woodlands, Hedgerows and Development Sites Supplementary Planning Guidance states that Woodlands are to be kept as an entity and will not be subdivided and apportioned within residents' gardens. There should be a woodland buffer i.e. a strip of land between the woodland and the curtilage of the development, which is clearly demarcated. Moreover, there is to be a minimum distance of 5m between any part of the canopy and any part of the garden. The extension of the garden would be within 5m of the edge of the canopy of the Council owned woodland which borders the site. Planning Policy Wales 12, paragraph 6.2.12 states that a green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied. The proposal is required to demonstrate biodiversity enhancement but no information in this respect has been provided, and no Green Infrastructure Statement has been submitted. Peripheral landscaping is a key feature in this area and contributes to the overall very pleasant amenity of the street scene and wider environs including the Pilton Vale Green Corridor. The absence of biodiversity and green infrastructure information weighs against the scheme and the lacking of this detail will form part of the reason for refusal.

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 development has resulted in the loss of 3.7m x 15.2m of a designated environmental space, for use as a hard surfaced parking and garden area. The proposal does not accord with the criteria of Policy CE3 (Environmental Spaces and Corridors), to the detriment of the Pilton Vale Green Corridor and wider amenity. The enlarged driveway has resulted in the introduction of a bland and sterile parking area adjacent to a pleasant grassed open space which is harmful to the visual amenity of the streetscene in the context of Japonica Close, contrary to Policy GP2 (General Amenity) and GP6 (Quality of Design) and Planning Policy Wales 12. The extension of the garden would be within 5m of the edge of the canopy of the Council owned woodland which borders the site. No Tree Information/Green Infrastructure Statement has been submitted to mitigate this concern, contrary to Policy SP1 (Sustainability), SP9 (Conservation of the Natural, Built and Historic Environment and GP5 (Natural Environment) of the Newport Local Development Plan 2011-2026 (adopted January 2015), Chapter 6 of Planning Policy Wales (Edition 12) and Policy 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales and Paragraph 7.2 of the Trees, Woodlands, Hedgerows and Development Sites Supplementary Planning Guidance. The proposal does not enhance parking supply as removes on road parking. Therefore, any benefits arising from the provision of additional off-road parking do not outweigh the objections raised.

11. **DECISION**

REFUSED

01 By reason of its location, scale and poor design, the development has a significant adverse impact upon interests of acknowledged importance, namely the Pilton Vale Green Corridor environmental space, community amenity and wellbeing, existing landscape features, visual amenity and the appearance of the host property and streetscene. No information has been provided to mitigate these objections. This is contrary to Policies CE3, GP2 and GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

02 The development will have a significant adverse impact upon interests of acknowledged importance, namely existing tree and landscape features and no Green Infrastructure Statement or ecological information has been submitted to mitigate this objection to the detriment of biodiversity and ecosystem resilience. This is contrary to Policy SP1, SP9 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Chapter 6 of Planning Policy Wales (Edition 12) and Policy 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales and Paragraph 7.2 of the Trees, Woodlands, Hedgerows and Development Sites Supplementary Planning Guidance.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 10 japonica close pre-work measurements, 10 japonica close – side measurements, 10 japonica close – rear measurements, 10 japonica close - front measurements, LocationPlan, SiteLocation.geojson, Existing and Proposed Block Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, CE3, GP2, GP5 and GP6 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.