

# Delegated Decision Report

<b>Application No:</b>	25/0005	<b>Statutory Period Expires:</b>	7 <sup>th</sup> April 2025
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<b>Site:</b>	15 Pepys Grove Newport NP20 3JH		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND TO RESIDENTIAL AND RETENTION OF FENCING		
<b>Applicant:</b>	H Ross		
<b>Type:</b>	Full	<b>Ward:</b>	Gaer
<b>Decision:</b>	REFUSED		

**1. BACKGROUND**

1.1 The application seeks retention for the change of use of land to residential curtilage and the retention of fencing. The development is subject to an ongoing enforcement investigation, under ref E24/0301.

**2. SITE LOCATION AND CONTEXT**

2.1 The application site comprises an end of terrace, two storey property located on Pepys Grove, a purpose built residential development within in the Gaer Ward. The area is characterised by rows of properties, with large verges at the end of the terrace, providing a separation between the rows of terraces and Kipling Hill.

**3. DESCRIPTION OF DEVELOPMENT**

3.1 The application seeks consent for the retention of the change of use of the land to residential development and a means of enclosure. The verge to the side of the property has been enclosed via a 1.8m high close boarded fence.

**4. RELEVANT SITE HISTORY**

4.1 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.

6.4.42 - Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural

Environment) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application.

## 6. CONSULTATION RESPONSES

- 6.1 **Highways:** The key issue for highways is the impact of the fence on highway safety. There is a link road from Kipling Hill to Shakespeare Cres. This provides for rear access to multiple properties and has no footway. The proposed fence removes all pedestrian intervisibility for vehicles emerging onto Kipling Hill. This raises an objection on grounds of highway/pedestrian safety. This could be addressed by lowering the fence or relocating it 2m away from the corner.

We note also that vehicles appear to be being parked to the front of the fence on Pepys Grove. This may not be part of the application but is unlawful without a footway crossing and unsafe with the fence in situ. We would therefore suggest an application for a drive may be appropriate but would object to it as things stand.

Should the fence ultimately remain in some form, we would request a condition preventing any vehicular access to the property (without specific permission) on grounds of highway safety.

- 6.2 **Landscape Officer:** The application states that no trees would be affected, however the aerial image indicates loss of a street tree and grass verge. Is the timber fence line detail now surrounding the garden extension? as Streetview shows a temporary fence gap for vehicle access.

If a full application rather than a retrospective application had been submitted, the proposal for a garden extension to the back of the public footpath and loss of a street tree with no mitigation or enhancement measures would be objected to.

Ideally the fence line should be move back to recreate a verge.

## 7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 08.01.2025.

- 7.1 NEIGHBOURS: 10no. neighbours were consulted. No representations were received.

## 8. ASSESSMENT

### 8.1 Principle of Development

- 8.1.1 The application site comprises an existing residential dwelling that is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development is accepted.

### 8.2 Visual Amenity

- 8.2.1 Located along Kipling Hill, there are a number of areas of grass verge which are considered to represent the character of the area and positively contribute to the streetscape. The grass verge between Kipling Hill and Pepys Grove has been largely reduced and enclosed by a close board fence, to facilitate the change of use to residential curtilage. A small section of the grass verge has been retained to the east of the verge. However, the removal of a large section of the verge is considered to be at odds with its surroundings and would result in a harmful impact on the visual amenity of the property and wider area. The development does not reflect the character of the streetscape and is detrimental to the character and appearance of the surrounding area. The below images depict the previous arrangement and the current arrangement, which highlight the adverse impact on visual amenity:



Previous Arrangement



Current Arrangement

8.2.2 The close board fence is situated on the corner verge between Pepys Grove and Kipling Hill. As such, the fence would be highly visible when viewed from both these roads. Whilst a close board fence is a typical feature found in residential gardens, the prominent position of the fence along this boundary would result in a significant detrimental visual impact on the street scene. The Landscape Officer has objected to the scheme. It is not considered that the development complies with policy GP6.

### 8.3 Residential Amenity

8.3.1 Due to the location of the application site on the corner plot, it is not anticipated that the fence or extension of residential curtilage would have an impact by way of loss of light or perceived overbearing to nearby neighbouring properties.

### 8.4 Highways

8.4.1 The fence is situated adjacent to the highway. The highways officer has provided comments on the scheme. As a result of the fence, pedestrian intervisibility has been removed from emerging vehicles onto Kipling Hill. The Highways Officer advises that this concern could be addressed by lowering the fence or moving the fence line back to allow for visibility, however the development is complete and is assessed on this basis. The development poses a risk to pedestrian and highway users, contrary to policy GP4.

### 8.6 Biodiversity

8.6.1 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. However, given the scale of the works, it is considered that a condition could be added to secure these details.

8.6.2 It is understood from aerial footage that a street tree has been removed as a result of the development. Chapter 6 of PPW 12, suggests, *Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.* On assessment, PPW chapter 6 introduced the need for GI statements in February 2024. However, prior to that, a Chief Planning Officer letter dated 11 October 2023 required Green Infrastructure Statements with immediate effect. Given that the tree was not present from at least June 2023, the removal pre-dates the GI requirements. Therefore, it can be considered that replacement planting is not sought under this application.

## 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 A significant amount of verge has been removed and enclosed via a close board fence, unacceptably altering the streetscene. The introduction of the close board fence has removed intervisibility for pedestrians and is a concern for highway safety. The development is contrary to policies GP6 and GP4.

## 11. **DECISION**

### **REFUSED**

01 The development would have a significant adverse effect on interests of acknowledged importance namely, highway safety by reason of impact upon visibility for drivers emerging onto Kipling Hill from the link road which runs from Kipling Hill to Shakespeare Crescent. The proposal is therefore contrary to policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015). No information has been provided to mitigate this objection.

02 The development would have a significant adverse effect on interests of acknowledged importance, namely visual amenity of the street scene. This would be by reason of the extent of land enclosed by fencing, which has resulted in the loss of grassed verge which is

a characteristic feature of the surrounding area and by reason of the design, height, location and extent of fencing. The development is therefore contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: 15 Pepys Grove-Block plan, 15 Pepys Grove-Planning Ex

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