



Appeal Decision

by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 07/11/2025

Appeal reference: CAS-04246-W7V4D5

Site address: 15 Pepys Grove, Newport NP20 3JH

- 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 Mr Haydn Ross against the decision of Newport City Council.
 - The application Ref 25/0005, dated 5 January 2025, was refused by notice dated 3 April 2025.
 - The development is retrospective application for change of use of land to residential and retention of fencing.
 - A site visit was made on 23 October 2025.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Decision Notice and Appeal Form, as these provide a more accurate description of the appeal scheme.
3. My site visit confirmed that the fence is already in place and that the change of use has occurred. As the appeal seeks retrospective planning permission, I have determined it accordingly.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the area; and
 - Highway safety.

Reasons

Character and appearance

5. The appeal property is a two-storey end-of-terrace dwelling located near the junction of Pepys Grove and Kipling Hill. It lies within the Gaer Estate, a large residential area characterised by open spaces, grass verges, mature tree planting, and, particularly to property frontages, a general absence of hard boundary treatments. This creates an attractive and distinctive sense of openness and spaciousness that positively defines the character and appearance of the area.

6. A close-boarded vertical timber fence currently exists at the appeal site. The appellant explains that land to the side of the property was purchased from the Council. Previously, this land formed part of the extensive grass verges characteristic of the estate. Council photographs show that the verge was formerly open to the pavement, with a hedge near the end elevation of the dwelling and a large mature tree on the western part of the verge. The enclosed land now forms part of the garden area of the appeal property.
7. Due to its height, extent, and siting, the fence is highly visible and appears as an imposing, hard-edged feature. It is clearly at odds with the surrounding openness and low-profile boundary treatments, introducing a rigid enclosure where there was previously an open verge. This visual harm is intensified by the loss of the former hedge and mature tree, which previously softened views and contributed to the verdant character of the street. Their removal and replacement with a close-boarded fence has materially reduced the site's visual greenery and soft landscaping.
8. In addition, the change of use of the land to residential has further eroded the planned openness that defines the estate. The enclosed area now functions as part of a private garden, and the potential for the introduction of domestic features into this area, such as seating, play equipment, or other paraphernalia, would contribute to a more domestic appearance. On the evidence before me, this domestication of the land has materially changed the open and spacious character of the former verge and compounded the visual harm caused by the fence.
9. The Green Infrastructure Statement proposes the installation of a bird nesting box. However, I am not persuaded that this would deliver a net gain in biodiversity when compared to the previous site conditions, which included a mature tree and hedge as shown in the Council's photographs. Even if a modest ecological benefit were achieved, it would not outweigh the significant visual harm resulting from the development.
10. My attention has been drawn to other examples of fencing in the area, which I observed during my site visit. The fence to the west is not close-boarded and has been positioned to retain the verge to the side of the property. The fence to the east is lower and similarly retains both the verge and trees. As these fences differ in design and siting, I do not consider they set a design precedent and attach limited weight to them in my decision.
11. I conclude that the appeal scheme conflicts with the objectives of Newport Local Development Plan (LDP) Policy GP2 ii), which seeks to avoid harm to the visual amenities and the character of the surrounding area, and Policy GP6, which promotes good quality design that is sensitive to the site's unique qualities and responds positively to local character.

Highway safety

12. The fence's height and positioning restrict visibility to the east for drivers exiting the rear lane and also limits the view of exiting vehicles for other road users and pedestrians approaching from that direction. As a result, drivers have a restricted view of oncoming traffic and pedestrians, and approaching vehicles may not see exiting cars in time to react safely. While the lane is narrow and vehicle movements are likely to be slow and cautious, the restricted sightlines materially increase the risk of accidents and reduce the safety margin for all users, particularly at the junction with Kipling Hill.
13. I note that Crashmap data indicates no recorded traffic incidents or pedestrian-related collisions in the vicinity of the access over the past five years. However, this does not guarantee safety, and the potential for harm remains significant given the restricted sightlines created by the fence, which could impede drivers' and pedestrians' ability to see and react to one another.

14. I acknowledge that guidance such as Manual for Streets 2 does not advocate a strict adherence to visibility levels in all instances, and there may be circumstances where arrangements that do not meet recommended standards are, based on local evidence, acceptable. However, I am not persuaded that such justification applies in this case. No substantive evidence has been provided to demonstrate that the reduced visibility at this junction is safe or that it meets the functional requirements of the local context. In the absence of such evidence, and given the clear limitations to visibility observed on site, I consider the arrangement to be materially harmful to highway safety.
15. I therefore conclude that the fence has had an unacceptable impact on highway safety, having particular regard to visibility at the junction of the rear access lane with Kipling Hill. The appeal scheme is therefore contrary to LDP Policy GP4, which, amongst other things, states that development proposals should ensure that development would not be detrimental to highway or pedestrian safety.

Other Matters and Conclusion

16. I recognise that the development addresses privacy and security concerns raised by the appellant. I have had regard to LDP Policy GP2 iii), which states that development will be permitted where a proposal seeks to design out the opportunity for crime and anti-social behaviour. However, while these matters may benefit the appellant personally, they do not outweigh the harm caused by the development. Moreover, there is no evidence to suggest that these objectives could not be achieved through alternative means that would avoid the harm identified in this appeal. In the absence of such justification, I am not satisfied that the benefits claimed are sufficient to override the identified planning harms. These considerations do not therefore lead me to alter my decision, and it is necessary and proportionate to refuse the appeal scheme.
17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

G Hall

INSPECTOR