

Delegated Decision Report

Application No:	25/0411	Statutory Expires:	Period	2nd September 2025
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Site:	46 Caerau Road Newport NP20 4HH		
Proposal:	CONSERVATION AREA CONSENT FOR THE REMOVAL OF EXISTING DRIVEWAY PAVING AND RELAY NEW CONCRETE IN-PRINT PAVING, REMOVAL OF 2NO. EXISTING STONE PIERS ON ENTRANCE TO ALLOW A WIDER OPENING, NEW GATES, PATIO AREA AND LANDSCAPING (RETROSPECTIVE)		
Applicant:	R Aziz		
Type:	Conservation Area	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

- 1.1 An application for conservation area consent is used for proposals which involve demolition of any unlisted building or structure in a conservation area. Whilst the current submission contains details of the removal of and works to trees, along with a redevelopment scheme, the consideration of this application relates only to the demolition of any unlisted building or structure. In this case, the demolition of the stone piers and boundary wall.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site, known as 46 Caerau Road consists of a detached property set back from the road frontage. The property is separated from the road by a low stone wall with timber fencing above. Within the boundary wall two pairs of stone entrance pillars provide access into the site.
- 2.2 The front portion of the site consists of areas of hard and soft landscaping which have been recently completed.
- 2.3 The application site is located within the settlement boundary as defined by the Newport Council Local Development Plan 2011 – 2026 (Adopted January 2015) (LDP). The Proposals Map contained within the LDP identifies the site as being within the Stow Park Conservation Area. There are no constraints showing on the LDP Constraints Map.
- 2.4 The application site is subject to the Stow Park Conservation Area Article 4 (2) Direction 2020 which requires permission to be sought for, amongst other works, the erection, renewal, alteration or demolition of the whole or any part of any gate, fence, wall, or other means of enclosure insofar as any such development fronts onto a highway.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks conservation area consent for the removal of existing driveway paving and relaying of new concrete in-print paving, the removal of 2no. existing stone piers to allow a wider opening, new gates, patio area and landscaping. The application is part retrospective.
- 3.2 As conservation area consent is used only for demolition of any unlisted building or structure, rather than for wider development schemes which may require separate planning permission, in this instance conservation area consent is required for the removal of the existing stone piers and the removal of the timber close board fencing which is located atop a low stone boundary wall only.

4. RELEVANT SITE HISTORY

4.1

Application Number:	Proposal:	Decision:	Decision Date:
20/1069	PROPOSED ALTERATIONS TO WINDOWS ON FRONT ELEVATION COMPRISING RESTORATION OF WINDOW FRAMES AND REPLACING	Refused	05/08/2022

	SINGLE GLAZING WITH DOUBLE GLAZING		
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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

6.1.14 – There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings.

6.1.15 – There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

5.3 Technical Advice Note (TAN) 24 (The Historic Environment)

5.4 The Historic Environment (Wales) Act 2023 (HEWA 2023)

5.5 Newport Local Development Plan (2011-2026)

Policy SP9 (Conservation of the Natural, Historic and Built Environment)

Policy CE7 (Conservation Areas)

5.6 Stow Park Conservation Area Appraisal

5.7 Consideration has also been given to: CADW Managing Conservation Areas

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer:

Legislation, Policy, and Guidance

The Historic Environment (Wales) Act 2023 (HEWA 2023) came into force 4th November 2024 and repeals the previous legislative framework for the protection of the Historic Environment in Wales, including the Planning (Listed Buildings and Conservation Areas) Act 1990. In respect of Conservation Areas, Section 160 of the HEWA 2023 imposes the general duty (derived from Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that:

‘In exercising a planning function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving or enhancing the character or appearance of that area’.

Planning Policy Wales (Edition 12, 2024) states that:

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the

presumption may be overridden in favour of development considered desirable on public interest grounds.

Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015 states that: DEVELOPMENT WITHIN OR ADJACENT TO CONSERVATION AREAS WILL BE REQUIRED TO:

- i) BE DESIGNED TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA, HAVING REGARD TO THE CONSERVATION AREA APPRAISAL WHERE APPROPRIATE.
- ii) AVOID THE REMOVAL OF EXISTING HISTORIC FEATURES, INCLUDING TRADITIONAL SHOPFRONTS AND JOINERY.
- iii) USE MATERIALS WHICH ARE TRADITIONAL, OR APPROPRIATE TO THEIR CONTEXT.
- iv) COMPLEMENT OR REFLECT THE ARCHITECTURAL QUALITIES OF NEARBY BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OF THE AREA.
- v) PAY SPECIAL ATTENTION TO THE SETTINGS OF BUILDINGS, AND AVOID THE LOSS OF ANY EXISTING DOMESTIC GARDENS AND OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA.
- vi) AVOID ADVERSE IMPACT ON ANY SIGNIFICANT VIEWS, WITHIN, TOWARDS AND OUTWARDS FROM THE CONSERVATION AREA.

46 Caerau Road is a property within Stow Park Conservation Area (CA). There is an Article 4(2) Direction within the CA restricting (amongst other items), 'Permitted Development' (PD) for:

- Erection, renewal, alteration or demolition of the whole or any part of any gate, fence, wall or other means of enclosure.
- The construction of a hard surface where it is nearer a highway than the dwelling.
- ...Insofar as any such development referred to above would front onto a highway or open space."

As identified within the Stow Park CAA:

3.4.1 Important views within the Stow Park Conservation Area are largely channelled by its streetscapes, especially at intersections where views are split down diverging streets; including the junction of Caerau Road and Caerau Crescent, and the north end of Stow Park Circle.

3.6.10 Caerau Crescent & Caerau Road: Typically semi-detached townhouses in a variety of styles and materials, open with low front boundary walls and domestic front gardens/driveways.

3.4.1 Important views within the Stow Park Conservation Area are largely channelled by its streetscapes, especially at intersections where views are split down diverging streets; including the junction of Caerau Road and Caerau Crescent, and the north end of Stow Park Circle. The steep slope of Stow Park Avenue also contributes to views up towards Stow Hill and down towards Belle Vue Park, with the elevated position of the terraced houses on the east side of the road emphasising their presence.

3.4.2 The higher proportion of greenery around Stow Park Circle creates very different types of views in the south-west corner of the Conservation Area, shielding many of the buildings behind mature boundary planting and trees. This means that the buildings are glimpsed between gaps in the planting and the overall character is much greener and less urban than the north and east sides of the Conservation Area.

3.7.1 The open spaces within the Conservation Area are typically private gardens with lush mature planting around their edges, especially in Stow Park Crescent and Stow Park Circle. This provides important visual amenity to the streetscapes and contributes substantially to their leafy, green character. The tree cover also creates a distinctive contrast of light and shade throughout the Conservation Area, often emphasising the upper storeys of buildings as they catch the sunlight.

4.1.1 The Stow Park Conservation Area is highly significant as a demonstration of Newport's commercial successes in the late 19th and early 20th centuries, and the impact this had on

the City's growth. The quality and variety of its architecture, combined with its distinctive greenness results in a highly significant and unusual suburb. Unlike much of the wider suburban development in Newport, Stow Park has a distinctive configuration, especially the looped arrangements in the south-west portion of the Conservation Area.

4.1.4 Overall, the special interest of the Stow Park Conservation Area is drawn from its historical links with Newport's 19th-century commercial prosperity and the architectural richness this afforded in the growing suburbs. The ratio of greenery to buildings is also a highly significant characteristic of the Conservation Area and sets it apart from other suburbs. The mature trees in the Stow Park Conservation Area are an integral part of its character. Aim and Objective 5 states that:

The rich green-ness of the Conservation Area should be protected through the considered management of existing trees and careful design of new planting.

Reason: To protect a defining characteristic of the Conservation Area and to manage trees in line with other local policy.

46 Caerau Road is identified as a Positive Contributor towards the CA.

Analysis

Trees

This application proposes:

- "Felling of three trees within the site, including two cypresses and an ash tree, with two palm trees and a red maple tree planted to replace them, respectively (this aspect of the works is retrospective, having already taken place)."
- "Retention of all other trees within the site with some pruning."
- As identified within the CAA, the large open gardens and extensive tree planting make a very positive contribution towards the character and appearance of Stow Park Conservation Area.

I note that our Tree Officer has requested a comprehensive Tree report, to show what (if any) detrimental effects have occurred to tree health as a result of the construction works which have already commenced. If any of the trees have been harmed, a comprehensive mitigation package has been requested. I would, of course, fully support these comments: any loss of substantial and protected trees would result in harmful impact upon character and appearance of Stow Park CA.

Boundary Wall and Gates

As identified within the accompanying HIA:

"The house is set behind a low, coped stone boundary wall with fencing above and square, coped piers flanking two wooden, gated entrances to a semicircular driveway and a metal gated side entrance (the later gate being to No. 46a). The piers display floral motifs and other decorative features, including the name 'Caerau' incised into the upper section. This front boundary wall is of similar design and construction to two properties to its N, also being continuous with these walls."

Though the HIA is silent upon the significance of this boundary feature, it is of considerable age and considered to be highly characterful. Indeed, the snecked and rock-faced stonework, freestone copings with swept level changes, and substantial decorative gate piers are all highly likely to be original to the property, which was named "Caerau" within the OS map of 1884. These features are all considered to make a very positive contribution towards the character and appearance of the conservation area. Though it seems likely the low boundary wall once featured ornate metal railings (presumably lost during WW2), the existing painted and close-boarded fence is also considered to be of characterful design; featuring swept level changes to reflect the original form of the masonry wall below. The painted timber gates are likely contemporary to the fencing and, though poorly maintained, also make a generally positive contribution.

According to the supplied HIA, the Executive Summary (p.2) states that:

"...the new gates and fencing being of timber construction matching the existing structures. Ensuring that the new fence and gates are consistent in terms of design and colour with those

that are to be replaced and that the electric mechanisms operating the gates are discreetly positioned would further mitigate impact...”

However, summary of the proposed works on p.22 of the HIA states that:

- “Relocation of two gate piers to widen the two vehicular entrances to a minimum of 3200mm, plus the installation of new electric timber arched gates in these entrances, the colour and design of which are yet to be confirmed.”
- “Retention of the low stone boundary wall and the replacement of the timber close boarding fence above, the design and colour of which is to be confirmed.”

Assessment of Impact of this part of the proposals is described within p.23 of the HIA:

“The proposed widening of the vehicular entrances will likely be a minimally noticeable change within the asset’s setting and, whilst it is not possible to determine the impact of the new fencing and arched gates, as proposed, in the absence of colour and design details, their timber construction suggests they will be of largely similar character to the existing gates and fencing thereby, assuming the electric operating mechanisms are minimally visible, limiting the extent of change.”

The Overall conclusion on p.25 of the HIA states that:

“The most prominent aspect of the site in the Conservation Area, the front boundary, will change little in character, the stone wall remaining unchanged beyond the widening of the entrance and the installation of new fencing and arched gates of similar timber construction. Impact could be further mitigated by ensuring the new gates and fencing are of similar design and colour to those existing and that the electric operating mechanisms are discreetly located.”

This is contrary to Dwg No. RA2025/02-02(Rev B) – “Proposed Ground Plans”, which shows the proposed street facing boundary wall in elevation. In my view:

- Relocation and careful reconstruction of the existing gate piers, to widen the existing vehicular entrances, would not be considered to have a substantial negative impact upon character and appearance, and is not resisted. A method statement and specification of works may be secured via condition. Note: Do Highways need to be consulted regarding widened pavement cross-overs?
- It is proposed to reconstruct the existing close-boarded fencing – both raise its height to “APPROX 1200MM OFF EXISTING WALL” and eliminate the characterful swept form of the existing where the masonry wall changes height. This would be considered harmful, due to loss of this characterful feature and due to the further visual obscuration of the positively contributing building within a key conservation area view. The form and height of the existing fencing should be retained to preserve character and appearance. Please seek revised drawings. The proposed “colour/stain” of the new fencing is not made clear. It should be of a muted tone, either to match the existing or of a suitable ‘stone’ colour.
- Details of the proposed gates are very low. Whilst their general curved-top form would be considered acceptable, it is entirely unclear how the “electric operating mechanisms” would be installed and would operate. In elevation, the gates appear to retain gate posts, but feature no hinges. In plan, no posts are shown, but the gates appear to retain their position within the reveals of the brick piers (i.e. must be swing operated). However, the arrows indicate that perhaps they slide. This would set them back behind the line of the gate piers and result in a harmful alteration to the existing. As per the HIA, the drawing clearly indicates that “DESIGN / COLOUR T.B.C”. We need detailed design up-front (i.e. prior to determination), to demonstrate that the new will preserve character and appearance.

Hardstanding

As identified within the accompanying HIA:

“Behind this boundary wall, the surface in front of the house is largely of gravel, earth and debris from the former paving. A semicircular island of trees is set against the boundary wall between the two entrances to the house, with a grassed area with planting beds positioned along its N edge in the N extent of the site. This grassed area continues to the N of the house,

where the wooden raised deck is noted. The area to its S is paved with slabs and has a stone-built well with gabled cover adjacent to a stone wall with arched coping.

There is additionally a single-storey brick outbuilding in this area with two timber plank-and-batten doors and two casement windows, as well as a central opening with a low stone plinth." Proposed works here are described within p.22 of the HIA as:

- "Replacement of the existing grass and planters in the N extent of the front garden with artificial grass and the installation of a stone slab path across this."
- "Removal of the paving and slabs across the S extent of the site (this aspect of the works is retrospective) and replacement with pattern-printed concrete with LED sensor ground lights installed."
- "Replacement of low stone walls with new stone walls around the planters in the S extent of the site, with cell web membranes installed beneath the pattern-printed concrete around these."

Loss of the grassed area to the northern end of the garden to artificial grass would constitute an extension of hardstanding between house and road. As would partial loss of the raised planting bed to the south (given over to Cellweb membrane). These elements are not supported, as they would impact negatively upon the lush, characterful and spacious front garden which contributes positively towards the character and appearance of the area. I would also question whether a negative impact upon biodiversity would result from these works.

6.2 Tree Officer:

1st Response: All trees within a Conservation Area are legally protected. A comprehensive Tree report from a bona fide Tree Consultant is required to show what detrimental effects have occurred to the tree roots/ canopies/tree health as a result of the construction works. If any of the trees have been harmed: a comprehensive mitigation package will need to be submitted and will need to include the replacement details of any trees that have failed.

This must be submitted by a bona fide Tree Consultant. In the absence of the above there are objections to this application.

2nd Response: The attached tells us what the tree issues are – now we need to know how the tree issues are to be resolved i.e. An Arboricultural Method Statement (AMS) is required. Only then and once the AMS has been agreed and conditioned can any objections be removed.

6.3 Newport Civic Society: No response received.

6.4 Heneb – The Trust for Welsh Archaeology:

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website.

We have consulted the regional Historic Environment Record and note that there are no known archaeological sites within the proposed development area, or in close proximity. A review of historic Ordnance Survey mapping depicts a structure on the site, but with extensions resulting in a larger footprint than the standing building.

The current application is for alterations to the driveway and gates, patio area and landscaping. Overall the scale of the works are limited and it is unlikely that significant archaeological material will be encountered during the course of the proposed works.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

If you have any questions or require further advice on this matter please do not hesitate to contact us.

6.5 CADW: No response received.

7. PUBLIC REPRESENTATIONS

7.1 The application was advertised by Site Notice and Press Notice. No responses were received.

8. ASSESSMENT

8.1 The sections of the boundary wall to be demolished form part of the site's front boundary which is located directly adjacent to Caerau Road. The front boundary is highly visible from the public realm and when viewed in the context of the wider site is considered to make a positive contribution to the Conservation Area.

8.2 The primary consideration in determining this application is the duty placed on the Local Planning Authority under The Historic Environment (Wales) Act 2023 (HEWA 2023) to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. Strategic Policy (SP) 9 (Conservation of the Natural, Historic and Built Environment) of the Newport Local Development Plan reiterates the above, indicating that proposals should seek to protect, retain, safeguard, conserve and enhance heritage assets. In addition, Policy CE7 (Conservation Areas) indicates that the appearance of the conservation area should be preserved or enhanced and the removal of historic features should be avoided.

8.3 Paragraph 6.1.17 of Planning Policy Wales Edition 11 states that *'When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures.'*

8.4 Paragraph 6.13 of TAN 24 states that *'Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.'*

8.5 It is noted that the Council's Principal Conservation Officer has not objected to the principle of the relocation and reconstruction of the existing gate piers. Removal and replacement of the existing fencing in the manner proposed has however been deemed as harmful to the conservation area. In addition, there are concerns with other aspects of the wider development scheme, with these works requiring separate planning permission as well as an application for the proposed tree works/removal. As such, the application fails to provide acceptable details of how the site would be made good or of any acceptable replacement boundary treatment. The application site has been identified as being a positive contributor to the Conservation Area within the Stow Park Conservation Area Appraisal. In addition detailed analysis of the area and careful consideration of all relevant factors prior to placing the Article 4 Direction on the area was undertaken. This only adds to the importance of ensuring adequate replacement development is agreed prior to the demolition taking place.

8.6 In light of the above, it is considered that without the submission of acceptable details of how the site would be developed, the Council is unable to ensure that the character and appearance of the Conservation Area would be preserved or enhanced as a result of the demolition. The Council's Historic Buildings and Conservation Officer has not provided support for the application in its current form, but rather seeks amendments to the wider scheme, which are yet to be submitted via a formal planning application. It is the view of the Local Planning Authority that such details would need to be submitted for consideration alongside or prior to the grant of any consent for demolition as it would not be reasonable to condition that the demolition does not occur until such details are approved as it would not be possible to satisfy the preserve/enhance test.

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 It is considered inappropriate to grant consent for demolition in the absence of an acceptable plan for the redevelopment of the site. As there are objections to the wider scheme and a full planning application has not been submitted, the proposal would fail to preserve and enhance the character or appearance of the Conservation Area, contrary to Section 160 of The Historic Environment (Wales) Act 2023 and Policies SP9 and CE7 of the Newport Local Development Plan 2011-2026.

11. DECISION

REFUSED

01 In the absence of acceptable detailed proposals for the redevelopment of the land, the application fails to demonstrate how the character and appearance of the Stow Park Conservation Area would be preserved or enhanced. The proposal is therefore contrary to Section 160 of The Historic Environment (Wales) Act 2023, Technical Advice Note 24 (The

Historic Environment) and Policies SP9 and CE7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to the following plans: Site Location Plan, Existing Ground Plan (RA2025/02-01), Proposed Ground Plans (RA2025/02-02 Rev B), Heritage Impact Statement, Tree Report, Green Infrastructure Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9 and CE7 were relevant to the determination of this application.

03 Planning Policy Wales Edition 12 and Technical Advice Note (TAN) 24 (The Historic Environment) were relevant to the determination of this application.

04 Section 160 of The Historic Environment (Wales) Act 2023 was relevant to the determination of this application.

05 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.