



Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18.05.2026

Appeal reference: CAS-04943-C3G3B8

Site address: 30 Alanbrooke Avenue, Newport NP20 6QJ

- 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 Chris Giles against the decision of Newport City Council.
 - The application Ref 25/0806, dated 28 September 2025, was refused by notice dated 21 January 2026.
 - The development is creation of hardstanding for off street parking (retrospective).
 - A site visit was made on 15 April 2026.
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Decision

1. The appeal is allowed and planning permission is granted for creation of hardstanding for off street parking (retrospective) at 30 Alanbrooke Avenue, Newport NP20 6QJ, in accordance with the terms of the application, Ref 25/0806, dated 28 September 2025, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The development has been implemented, and retrospective planning permission is sought for the scheme as constructed. Notwithstanding the information given on the planning application form, I have taken the description of development from the Council's Decision Notice as this is more concise.

Background and Main Issues

3. The Council refused the application for three reasons, the second of which alleges harm to highway drainage. The nature of the purported harmful impact is not expanded on but the reference to 'positive and sustainable surface water drainage' indicates that the Council's concerns relate to potential effects on flooding and water quality. At appeal the appellant has also provided evidence of their personal circumstances.
4. Consequently, I consider the main issues to be:
 - a) the effect of the development on the character and appearance of the area
 - b) the effect on the safety and convenience of highway users
 - c) the effect on flooding and water quality
 - d) the effect on ecology and biodiversity, and
 - e) the appellant's need for the hardstanding, given their personal circumstances.

Reasons

5. The appeal relates to a semi-detached dwelling fronting Alanbrooke Avenue. The property is set higher than the highway. Prior to the development being implemented, the property's front garden was predominantly formed of a lawn which sloped down to the front boundary. Several neighbouring plots feature landscaped front gardens which, although not subject to any character or heritage designation, contribute positively to the area's planned, suburban character.
6. Whilst most dwellings in Alanbrooke Avenue accommodate driveways, some of these are both narrow and sloping. This includes the appeal property and others on the west side of the street. In this location the carriageway is constrained in width: I observed that there would scarcely be space for a standard sized car and a larger vehicle, such as a refuse lorry, to pass one another. Due to these factors, I saw that several residents park their vehicles partially on the footway. Currently there are few restrictions to prevent this.
7. Paragraph 4.1.52 of Planning Policy Wales (PPW) says that planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking. Whilst parked vehicles are mobile features, in this case the constraints of the immediate environment mean that for much of the time they would inevitably form a notable element of the contemporary street scene. These constraints also present a physical as well as a visual dynamic: I saw pedestrians repeatedly walking within the carriageway due to the lack of space on footways. These site-specific factors are relevant to consider in this case.

Safety and convenience of highway users

8. Although the siting and design of the appeal property is akin to its neighbours there are some differences between them. For example, I noted that the pre-existing driveway appears steeper than at neighbouring properties and is bounded by both a low wall and the flank wall of the dwelling up to the side access gate. Consequently, I have no reason to dispute that the pre-existing driveway was used as a pedestrian route rather than a parking space. The observed frequency of kerbside parking, in place of parking on driveways at neighbouring dwellings, reinforces this view.
9. Given the low-speed residential context the adjacent driveway and resulting length of dropped kerb would have little effect on pedestrian safety. Although the hardstanding measures less than the minimum depth of 5.5m advised in the Council's 'Parking Standards' Supplementary Planning Guidance (SPG) for spaces abutting a wall, having regard to the former baseline position the development is unlikely to have materially increased footway obstruction outside No 30; in fact, it may offer an improvement.
10. As the constraints of the pre-existing driveway affect its useability for parking vehicles, the appeal scheme does not result in a disproportionate amount of on-site parking. Nor is there any reduction in parking capacity (both on and off-street) in this constrained local environment. Whilst the appeal scheme will have altered vehicle movements, particularly in terms of the frequency of vehicles crossing the footway in either forward or reverse gear, I saw that there is ample visibility for drivers of oncoming pedestrians and traffic above retaining walls and foliage. In this residential context, pedestrians and vehicles approaching the site would, in any case, likely be aware that vehicles could be manoeuvring into and out of parking spaces.
11. I conclude that there is no unacceptable risk of harm to the convenience or safety of highway users, in compliance with the highways and accessibility objectives of policy GP4 of the Newport Local Development Plan (LDP) and the Parking Standards SPG.

Character and appearance

12. As per the reasons already given, without the appeal scheme in place there would be a high likelihood of either the appellant or a neighbour parking vehicles on the footway outside the dwelling. This would introduce visual clutter close to the property frontage for considerable periods of time. In contrast, the appeal scheme would reduce the opportunity for vehicle parking within the public realm.
13. Notwithstanding this, images supplied by the appellant indicate that the previous dwarf wall positively defined the threshold between public and private land by spanning much of the front boundary. In contrast, the hardstanding is flush to the highway and, being finished in tarmac, there is little to distinguish it from the footway. This considerably weakens the property frontage. Similar excavated hardstandings elsewhere in the street are anomalous to the prevailing character and only serve to reinforce my concerns in this regard.
14. The retaining walls which surround the hardstanding are clad in timber. Whilst more stout in appearance than fences nearby, the use of timber is not obtrusive in this residential context and assists in alleviating the solidity of the walls. The retention of a modest area of lawn between the dwelling and hardstanding, in addition to the use of timber in the safety fence, also moderates the hard landscaped character of the development.
15. Nonetheless, the weakened property frontage and prominence of the retaining walls and safety fence from public viewpoints is at clear variance to the established character of neighbouring properties. Notwithstanding the development's modest scale and the reduction in vehicle clutter by removing footway parking, the appeal scheme introduces visual harm. Although a condition to secure additional landscaping to soften the prominence of the walls/fence would offer some alleviation, harm of moderate significance would remain.
16. Given the differences between the appeal property and its neighbours, for example in relation to the gradient and width of the pre-existing driveway, I consider the risk of precedential and cumulative harm to be low. Nonetheless, I conclude that the appeal scheme, by itself, conflicts with the objectives of LDP policies GP2 and GP6 to secure good quality design and avoid detriment to an area's character or appearance.

Flooding and water quality

17. I saw that the tarmac hardstanding is profiled down towards the highway. No obvious form of on-site drainage is visible, and few details of drainage have been provided. As the previous lawn would have allowed rainfall to penetrate to the ground, it is reasonable to assume that the development will have materially increased rainwater run-off to highway drains. Whilst modest in area, PPW states that development should not cause additional run-off, noting the impacts of increased rainfall intensity on surface water flooding and diffuse pollution in light of the consequences of climate change.
18. Nonetheless, although the development is already in place and there are few details relating to subsurface construction or run-off volume, given the modest extent of the affected area I am satisfied that a condition to secure adequate on-site drainage is a feasible prospect and would not alter the nature of the development applied for. Subject to the approval and implementation of such details the development would avoid harmful effects on water quality and flood risk, consistent with the sustainability aims of policy SP1 and PPW.

Biodiversity and green infrastructure

19. It is unlikely that the lawn which has been lost to the hardstanding was of any notable species diversity or performed a significant role as a green infrastructure asset in a wider ecosystem sense. Consequently, its loss will have had a negligible impact on biodiversity.

20. The appellant has submitted a Green Infrastructure Statement (GIS) which suggests installing a bird box and hedge as biodiversity mitigation and enhancement measures. The hedge proposed is an exotic species, potentially limiting its value to native wildlife, and it is unclear whether the chosen location of the bird box would maximise its value for nesting species. However, such details could be addressed via a condition to secure an approved biodiversity enhancement scheme. Having regard to the type and extent of lost habitat, I am satisfied that such a condition would secure a net benefit for biodiversity, in compliance with the ecological and green infrastructure objectives of LDP policies SP1, SP9 and GP5, and Policy 9 of Future Wales.

Personal circumstances

21. Although I do not go into the details here, the appellant has provided medical evidence of a disability and a related explanation for why safe, sufficiently spacious and level car parking within the plot is sought to facilitate access into and out of a vehicle. In my view, the medical statements offer compelling evidence that a refusal of permission for the hardstanding would considerably limit the appellant's ability to get into and out of their vehicle to the detriment of their health and wellbeing. Given the appellant's need for level and clear access to a vehicle, the gradient and constraints of the pre-existing driveway will inevitably have restricted its use for parking. The physical limitations of the street would also prevent on-street parking as a viable option. Although alternatives for securing parking elsewhere within the plot have not been clearly explored, there would be an evident challenge in securing a flat car parking space with ample space for opening a car door whilst also accommodating level changes. Based on the evidence provided, I am not persuaded that an alternative exists which would result in lesser visual harm. This itself offers compelling justification for the chosen extent and position of the hardstanding.
22. In view of the specific circumstances of the case, I attach significant weight to the appellants' personal need for accessible parking as a consideration in favour of a grant of planning permission.

Conclusion

23. I have concluded that the development introduces harm of moderate significance to the character and appearance of the area. This weighs against the development.
24. Subject to appropriate conditions, the development would have neutral effects on highway users, water quality and flooding. Securing a scheme of enhancement would offer benefits to biodiversity and ecosystem resilience, albeit this would be minor.
25. I have found that the development offers personal benefits to the appellant. Having regard to the Public Sector Equality Duty (PSED) set out under the Equality Act 2010, I am in no doubt that a grant in favour of planning permission would assist in eliminating discrimination against a person with the protected characteristic of disability, advancing equality of opportunity and fostering good relations between them and others. I cannot identify any adverse effects on groups or individuals with protected characteristics which would result from a grant of planning permission.
26. Whilst I have considered the concerns of the Council, I am of the view that a condition restricting the use of the development only to the appellant for the period of their occupancy would meet the tests set out in Circular 016/2014, including of reasonableness and enforceability. Given this and the magnitude of residual harm which I have identified, I am not persuaded that dismissing the appeal would be proportionate in the context of the PSED and benefits offered. I am consequently satisfied that the personal need for an accessible car parking space offers exceptional justification to the harm caused to the area's character and appearance while the development is in place.

27. I have considered the other matters raised but none alters my findings. I shall therefore allow the appeal subject to the imposition of appropriate conditions.

28. 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.

Paul Selby

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) This planning permission is personal to Mr Chris Giles and shall endure for the period of their occupation only. Within 12 months of the dwelling no longer being occupied by Mr Chris Giles, the hardstanding shall be removed and the land reinstated to accord with its previous appearance as shown in the submitted document entitled 'Photo of appeal site prior to the approved development'.

Reason: In the interests of the area's character and appearance, in accordance with policies GP2 and GP6 of the Newport Local Development Plan 2011-2026.

- 2) Irrespective of condition (1), the development hereby permitted shall be removed and the site restored to accord with its previous appearance as shown in the submitted document entitled 'Photo of appeal site prior to the approved development' within 6 months of the date of failure to meet any one of the requirements set out in (a) to (d) below:
 - a. within 3 months of the date of this decision, a scheme of biodiversity enhancement, landscaping, drainage and parking shall have been submitted for the written approval of the local planning authority. The submitted scheme shall include:
 - i. The specifications and positioning of a bird box
 - ii. The species mix, location and height of hedges and plants to the front of the dwelling
 - iii. Details demonstrating how surface water is to be drained within the curtilage of the property, including any replacement surface materials and necessary land reprofiling
 - iv. The locations and dimensions of vehicle parking spaces
 - v. An implementation timetable
 - b. if within 11 months of the date of this decision the local planning authority refuse to approve the submitted scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.
 - c. if an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Welsh Ministers.

- d. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of the area's character and appearance, water quality, flood risk, highway safety, and maintaining and enhancing biodiversity, in accordance with policies SP1, SP9, GP2, GP4, GP5 and GP6 of the Newport Local Development Plan 2011-2026 and Future Wales Policy 9.

- 3) No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development.

Reason: In the interests of the safety and convenience of highway users, in accordance with policy GP4 of the Newport Local Development Plan 2011-2026.