

Delegated Decision Report

Application No:	26/0119	Statutory Period Expires:	1st June 2026
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Site:	1 Oakfield Gardens Newport NP20 4NJ		
Proposal:	CREATION OF RAISED PARKING SPACES TO THE FRONT OF THE PROPERTY ALONG WITH DROPPED KERB ACCESS		
Applicant:	M McManus		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a detached dwellinghouse situated on a prominent corner plot. The dwelling borders The Shrubbery Conservation Area which is subject to an Article 4 direction. The immediate street scene surrounding the property contains shrubbery and greenery which is a key characteristic of the area. The houses along Oakfield Gardens are typically detached two storey properties.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks the creation of raised parking spaces to the front of the property with a dropped kerb off Oakfield Gardens. This would create 2no. parking spaces.

4. RELEVANT SITE HISTORY

16/0913	REMOVE CHIMNEY STACK, INSTALL EXTERNAL WOODSTOVE FLUE, ALTER 1NO. WINDOW OPENING ON FRONT ELEVATION, REPLACE ALL FLAT ROOF COVERINGS AND INSTALL GARAGE ROOFLIGHT	Granted conditions	with
17/0703	PART TWO STOREY/PART FIRST FLOOR SIDE EXTENSION, RAISING OF OVERALL ROOF HEIGHT, NEW WINDOWS AND ROOFLIGHTS, NEW EXTERNAL INSULATION WALL FINISHES, SOLAR PANELS, SOLAR HOT WATER EVACUATED TUBES AND BOUNDARY TREATMENTS	Granted conditions	with
17/0990	PRUNING AND FELLING OF CYPRESS TREES AND FELLING OF A YEW TREE PROTECTED BY THE SHRUBBERY CONSERVATION AREA	No objection	
18/1165	FELLING OF 2NO. CYPRUS PROTECTED BY THE SHRUBBERY CONSERVATION AREA	No objection	
19/1292	NON MATERIAL AMENDMENT TO PLANNING APPLICATION 17/0703 FOR A PART TWO	Part approved/part refused	

	STOREY/PART FIRST FLOOR SIDE EXTENSION, RAISING OF OVERALL ROOF HEIGHT, NEW WINDOWS AND ROOFLIGHTS, NEW EXTERNAL INSULATION WALL FINISHES, SOLAR PANELS, SOLAR HOT WATER EVACUATED TUBES AND BOUNDARY TREATMENTS TO ALLOW FOR THE PROVISION OF A SINGLE STOREY FRONT EXTENSION, ALTERATIONS TO WINDOW OPENINGS, SOLAR PANELS, INCREASE IN WALL AND ROOF THICKNESS AND ALTERED BOUNDARY TREATMENTS	
20/0325	ALTERATION TO FRONT PORCH, INSTALLATION OF SOLAR PANELS ON SOUTH WEST WALL, RAISING OF OVERALL ROOF HEIGHT, ALTERATIONS TO WINDOW OPENINGS, NEW WINDOWS, AND ADDITIONAL SOLAR SHADING	Granted with conditions
21/0851	DEMOLITION OF THE EXISTING DWELLING AND GARAGE AND REPLACEMENT WITH A NEW DWELLING AND GARAGE WITH ASSOCIATED LANDSCAPING WORKS	GRANTED WITH CONDITIONS
22/0548	PARTIAL DISCHARGE OF CONDITION 5 (ARBORICULTURAL METHOD STATEMENT) OF PLANNING PERMISSION 21/0851 FOR THE DEMOLITION OF THE EXISTING DWELLING AND GARAGE AND REPLACEMENT WITH A NEW DWELLING AND GARAGE WITH ASSOCIATED LANDSCAPING WORKS	Approved

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.

6.4.2- 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.

6.1.6 The Welsh Government's specific objectives for the historic environment seek to.... preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous.

6.1.8 It is the responsibility of all those with an interest in the planning system, including planning authorities, applicants, developers and communities, to appropriately care for the historic environment in their area. The protection, conservation and enhancement of historic assets is most effective when it is considered at the earliest stage of plan preparation or when designing proposals new proposals.

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. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

6.4.42 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). 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. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long-term growth to optimise the environmental and ecological benefits it affords.

5.3 The Historic Environment Act 2023 (Wales)

- 5.4 Technical Advice Note
Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 12: design
Technical advice note (TAN) 24: the historic environment

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)
Policy GP4 (Highways and Accessibility)
Policy GP5 (Natural Environment)
Policy GP6 (Quality of Design)
Policy CE7 (Conservation Area)

5.6 SUPPLEMENTARY PLANNING GUIDANCE
PARKING STANDARDS SPG.

6. CONSULTATION RESPONSES

6.1 Heritage Officer:

Legislative background in annex 1

Observations

Though the property of No. 1 Oakfield Gardens lies just outside the designated boundary of The Shrubbery Conservation Area (CA), part of its northern curtilage boundary - and much to the east and south - are coterminous with that of the CA. This places the site boundary to No.1 within the CA, and the relevant garden site within the CA's immediate visual and spatial setting. This close association is most notable within those views available from Westfield Road, and particularly where its green boundary terminates that key downhill view from the junction with Edward VII Crescent.

As above, Policy CE7 of the Newport LDP explicitly requires development to "*avoid adverse impact on any significant views, within, towards or outwards from the Conservation Area*" and to "*pay special attention to the settings of buildings and spaces*". The Shrubbery Conservation Area Appraisal (February 2020) further confirms that any development within the setting of the Conservation Area which harms its character should be resisted.

Views along Westfield Road are specifically identified within the CAA as being important; the thoroughfare being characterised by its green enclosure and lack of visually prominent built form. Mature planting, hedges, and garden vegetation dominate the experience of this route, with buildings typically screened - or glimpsed through gaps within mature planting.

Although the front garden in question falls immediately outside the CA, its hedgerow and wall form boundary to the CA. Both this hedgerow and its associated front garden therefore form key part of the contained, green and verdant character of Westfield Road, making positive contribution towards the continuity of greenery that reinforces the experience of moving through the Conservation Area.

The loss of green boundary and the replacement of garden planting with hardstanding and parked vehicles would undermine this visual continuity, introducing urban and utilitarian features into a view that presently reinforces the semi-rural character of The Shrubbery Conservation Area and its immediate surroundings. This would result in harm to both the character and appearance of the Conservation Area as experienced from the public realm, and to its wider setting.

As such, this application fails to preserve the character and appearance of the Conservation Area and its setting, contrary to the aims of national policy, guidance and those objectives set out in the adopted Conservation Area Appraisal.

6.2 Local Highways Authority:

The plans show two parking spaces both are unacceptable and the access is too close to the corner. The perpendicular space would have to be 5.5m deep to be acceptable and this doesn't appear to be possible. The second is not acceptable as it meets highway at an acute angle making appropriate observations impossible and therefore its use unsafe.

6.3 Ecology Officer: No comments received.

6.4 Landscape Officer:

Objection

Overview/Summary

- The proposal is to replace a verdant front garden with a driveway including 2 no. parking bays. This would replace what is currently an attractive frontage with hard standing and unsightly motor vehicles.
- There are two trees adjacent to the proposed parking area, the root zones of which will be directly impacted.
- The site lies within The Shrubbery Conservation Area, the proposals which would have a negative impact on this designated suburban landscape character.
- The information submitted has insufficient details on hard landscape materials and there is no proposed planting which could potentially mitigate some of the negative impact.

The following relevant policies would apply to this application:

- LDP 2015-26 – Strategy and Plan Objectives
 - o Objective 5 – Conservation of the Built Environment
- LDP 2015-26 – Spatial Strategy and Strategic Policies
 - o SP9 Conservation of the Natural, Historic and Built Environment 24
- LDP 2015-26 – Environment
 - o CE7 Conservation Areas

Obligations:

Should planning approval be considered then further details are required to be submitted for approval to include:

- Soft Landscape/Planting (Plan & Schedule)
 - o Type (trees/shrubs/bulbs/native/ornamental/marginal/aquatic/roof gardens/wildflower meadow etc.)
 - o Species

- o Size/specification
- o Position
- o Spacing/density
- o Accessories – Tree stakes/watering bags/wire support/trellis/planters
- Hard Landscape/Materials (Plan)
- o Surfacing (type/colour/finish)
- o Edging
- o Street furniture
- o Boundary Treatment
- o Enclosures
- o No dig construction

Conclusion:

- I would object to this proposal in principle because it would have a detrimental impact on the visual amenity of the streetscape within a Conservation Area.
- A tree survey and report as well as construction method statement would be required to

6.5 Tree Team:

It is noted that the front garden contains ornamental tree and shrub planting, and that a visually important line of mature trees is present along the northeast boundary of the property. These trees form part of the Conservation Area and contribute significantly to its character and appearance.

In accordance with BS5837 Trees in relation to design, demolition and construction – Recommendations (2012), a Tree Survey and Tree Constraints Plan must be submitted with the application, to include any trees, shrubs or hedges on the site, and within 15m of the site boundary (within potential influencing distance). The tree survey must clearly show crown spreads and Root Protection Areas, which must then be considered as a constraint to development. Any subsequent, proposed, design layouts submitted, must have the Tree Constraints Plan overlaid, clearly showing the crown spread, Root Protection Area and tree numbers.

A combined Arboricultural Implications Assessment / Arboricultural Method Statement with Tree, Removal, Retention, & Protection Plan will also be required at the application stage, to assess the feasibility and impact any proposal will have on trees and how these impacts can be reduced or resolved, if at all. This must include but not exclusively - detailed specification and cross section drawings for the proposed parking bays and surfacing detail; an assessment of the existing and proposed grounds levels; detailed construction methodology to protect trees, in what will be a confined working space.

All reports must strictly follow the specifications of BS5837 Trees in relation to design, demolition and construction – Recommendations (2012) and must..... be undertaken by an 1arboriculturalist.....

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 09/04/2026.

7.1 3no. neighbours were consulted. No comments received.

8. ASSESSMENT

8.1 Principle of Development

- 8.1.1 The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. A full assessment is carried out below.

8.2 Visual Amenity/ Character and Appearance

- 8.2.1 When assessing the character and appearance of the area, the site is situated adjacent to the Shrubbery Conservation Area. Policy CE7 of the Newport LDP explicitly requires development to “*avoid adverse impact on any significant views, within, towards or outwards from the Conservation Area*” and to “*pay special attention to the settings of buildings and spaces*”. The Shrubbery Conservation Area Appraisal (February 2020) further confirms that any development within the setting of the Conservation Area which harms its character should be resisted. The Heritage officer was consulted on the scheme and states Views along Westfield Road are specifically identified within the CAA as being important; the thoroughfare being characterised by its green enclosure and lack of visually prominent built form. Although the front garden in question falls immediately outside the CA, its hedgerow and wall form boundary to the CA. Both this hedgerow and its associated front garden therefore form key part of the contained, green and verdant character of Westfield Road, making positive contribution towards the continuity of greenery that reinforces the experience of moving through the Conservation Area. The loss of green boundary and the replacement of garden planting with hardstanding and parked vehicles would undermine this visual continuity, introducing urban and utilitarian features into a view that presently reinforces the semi-rural character of The Shrubbery Conservation Area and its immediate surroundings. This would result in harm to both the character and appearance of the Conservation Area as experienced from the public realm, and to its wider setting. As such, this application fails to preserve the character and appearance of the Conservation Area and its setting, contrary to the aims of national policy, guidance and those objectives set out in the adopted Conservation Area Appraisal.
- 8.2.2 The applicant has provided elevations of the existing and proposed development. From a site visit and mapping services, it appears the land slopes down from the street level to the dwelling, however, this has not been shown on the plans. As the driveway is proposed to be levelled at one continuous level, it is likely that the driveway will sit higher against the dwellinghouse, however, this has not been shown on the plans and therefore, are not true to what is on site. Concerns are also raised on how the driveway will sit in relation to the ground floor window cil given the levelling. No information has been submitted to demonstrate this. It is also unknown if part of the low boundary wall is being retained on site. Moreover, a new porch has been constructed at the site, and this has not been shown on the plans. The full impact cannot be assessed as concerns are held at this stage for the relationship between the driveway level and the ground floor front window on the property.
- ### 8.3 Residential Amenity
- 8.3.1 When assessing residential amenity, the development would not have an adverse impact to neighbouring properties in terms of an overbearing impact or loss of light.

8.4 Movement

- 8.4.1 The applicant is proposing 2no parking spaces to the front of the dwelling. The highways officer was consulted and states the plans show two parking spaces both are unacceptable and the access is too close to the corner. The perpendicular space would have to be 5.5m deep to be acceptable and this doesn't appear to be possible therefore the proposal would not be sufficient for the parking of a vehicle in accordance with the requirements of the adopted parking standards. The second is not acceptable as it meets the highway at an acute angle making appropriate observations impossible and therefore its use unsafe for vehicular access/egress that would be hazardous for both traffic and pedestrian safety. It is therefore considered that the scheme is not in accordance with Policy GP4.

8.5 Landscaping/ Trees

- 8.5.1 The applicant has provided a site plan which demonstrates the trees on site. The tree and landscape officer have reviewed the scheme and provided comment. The landscape officer has stated that the proposal is to replace a verdant front garden with a driveway including 2 no. parking bays. This would replace what is currently an attractive frontage with hard standing and unsightly motor vehicles. This would have an adverse impact on the Shrubbery Conservation Area. There are also two trees adjacent to the proposed parking area, the root zones of which will be directly impacted. Overall, the information submitted has insufficient details on hard landscape materials and there is no proposed planting which could potentially mitigate some of the negative impact. The tree officer goes onto add the concerns on the character of the area. In accordance with BS5837 Trees in relation to design, demolition and construction – Recommendations (2012), a Tree Survey and Tree Constraints Plan must be submitted with the application, to include any trees, shrubs or hedges on the site, and within 15m of the site boundary (within potential influencing distance). A combined Arboricultural Implications Assessment / Arboricultural Method Statement with Tree, Removal, Retention, & Protection Plan will also be required at the application stage, to assess the feasibility and impact any proposal will have on trees and how these impacts can be reduced or resolved, if at all.
- 8.5.2 On assessment of the comments above, it is clear the submission is lacking in detail and the impacts of the trees on site cannot be established. The loss of greenery would have an adverse impact to the character of the area on a prominent corner. There is also no details on a landscaping scheme, and given the loss of the greenery on site, some mitigation should be provided. This is discussed next.

8.6 Biodiversity

- 8.6.1 PPW12 states in paragraph 6.2.12, *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. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. 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.* No GI statement has been provided, and given the proposed development, a GI statement would be necessary in this instance and contrary to PPW12.

- 8.6.2 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. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).
- 8.6.3 In this case no biodiversity enhancement or GI statement has been submitted to accompany the application. In accordance with section 6.4.12 of PPW 12 *“Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission”*. Accordingly 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 Overall, it is considered that the proposed development would not be a positive addition within the area, and would result in an adverse impact to the adjacent Shrubbery Conservation Area. The lack of mitigation details in relation to landscaping is unacceptable. There are also trees on site, however, there is insufficient information submitted to understand the full impacts to the trees. The plans provided also do not appear to be correct as the land level appears sloped on a site visit and the full levelled visual impact cannot be assessed. From a highway perspective, the access is located too close to the corner of the junction raising concerns from a highway safety perspective. The spaces provided do not meet the size requirements and the location of the space that meets the highway at an acute angle does not allow for good observations and therefore, unsafe. There is also a lack of detail on a GI statement and biodiversity enhancement. For the reasons above, the application is refused.

11. DECISION

REFUSED

01 The development would have a significant adverse impact upon interests of acknowledged importance, namely poor visual amenity on the area. The driveway would remove existing green infrastructure on a prominent corner plot adjacent to the Shrubbery Conservation Area. The driveway would not contribute positively to the setting of the Conservation Area, and would create an urban and utilitarian feature into the verdant streetscene. No mitigation has been provided to limit its stark impact or overcome these issues. As such, the scheme is contrary to policies GP5, GP6 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), The Shrubbery Conservation Area Appraisal February 2020, and The Historic Environment Act 2023 (Wales).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely, a full impact assessment cannot be undertaken due to inadequate and insufficient plans. The plans provided do not accurately demonstrate the existing ground levels on site, nor do they provide clarity on what is to be retained on site. Therefore, the full impact cannot be fully assessed on the impact to the dwelling and

the streetscene. As such, the scheme is contrary to policies GP5, GP6 and CE7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), The Shrubbery Conservation Area Appraisal February 2020, and The Historic Environment Act 2023 (Wales).

03 The development would have a significant adverse impact upon interests of acknowledged importance, namely on highway safety. The 2no. parking spaces provided are not adequate by reason of size and location. The location of the access within close proximity to the junction, and the siting of the parking spaces and would hold an adverse impact to highway safety. As such, the scheme is contrary to policies GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

04 The development would have a significant adverse impact upon interests of acknowledged importance, namely the impact upon the trees. There is a lack of information provided in relation to a Tree Survey and Tree Constraints plan in accordance with BS5837: 2012. A combined Arboricultural Implications Assessment / Arboricultural Method Statement with Tree, Removal, Retention, & Protection Plan has also not been submitted. The full impacts to the trees on site cannot be evaluated in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

05 The development would have a significant adverse impact upon interests of acknowledged importance, namely, on biodiversity. No Green Infrastructure Statement and no mitigation or ecological enhancement has been provided. This results in an adverse impact on biodiversity and ecosystem resilience, which 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.

NOTE TO APPLICANT

01 This decision relates to plan Nos: BR01 - Existing/Proposed Site Plans; Existing and Proposed Site Plans and Existing and Proposed Elevations; Site Location Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, CE7 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.

Annex 1- Heritage officer comments- legislative background

This application proposes substantial loss of the front garden, hedgerow boundary and low boundary wall at No. 1 Oakfield Gardens, to enable the introduction of hardstanding for parking of two vehicles.

Legislative Background

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:

“6.1.6 The Welsh Government’s specific objectives for the historic environment seek to:

- *preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;*

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.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area."

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."