

Delegated Decision Report

Application No:	25/1015	Statutory Period Expires:	21st January 2026
------------------------	----------------	----------------------------------	--------------------------

Site:	34 Alanbrooke Avenue Newport NP20 6QJ		
Proposal:	CREATION OF HARDSTANDING (RETROSPECTIVE)		
Applicant:	P & S Doherty		
Type:	Full	Ward:	Malpas
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 34 Alanbrooke Avenue is a two-storey semi-detached property located in the Malpas ward. Due to the topography of Alanbrooke Avenue, the land slopes from the north to the south, meaning that the dwelling is elevated above the highway and the front garden was previously sloped prior to development.

2.2 The property has historically benefited from multiple off-road tandem spaces, a characteristic typical of properties along Alanbrooke Avenue. The off-road tandem spaces remain in situ.

3. DESCRIPTION OF DEVELOPMENT

3.1 Retrospective planning permission is sought for the creation of a hardstanding in the front garden for use as a parking area. Significant engineering works have been undertaken to remove the embanked front garden. The front boundary wall has also been removed to create a widened access. The parking area would measure 5.1m in width and 3.8m in depth and would include a retaining wall measuring up to 2.2m in height along the rear, between 1m and 1.8m along the northwestern (side) boundary and between 320mm and 780mm along the southeastern (side) boundary. The retaining walls are constructed from timber in a dark stain, the hardstanding is tarmac and the rear retaining wall is topped with wooden railings.

4. RELEVANT SITE HISTORY

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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy SP1 – Sustainability states that proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. They will be assessed as to their potential contribution to: i) the efficient use of land; ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage Newport local development plan 2011 – 2026 January 2015 17 and encourage a modal shift to more sustainable modes of transport; iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources; v) the minimisation, re-use and recycling of waste; vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change; vii) improving facilities, services and overall social and environmental equality of existing and future communities; viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres; ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment; x) conserving and ensuring the efficient use of resources such as water and minerals.

Policy SP9 – Conservation of the Natural, Built and Historic Environment states that the Conservation of the Natural, Historic and Built Environment the conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals

Policy GP2 – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP4 – Highways and Accessibility states that Development proposals should: i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance; ii) be accessible by a choice of means of transport; iii) be designed to avoid or reduce transport severance, noise and air pollution; iv) make adequate provision for car parking and cycle storage; v) provide suitable and safe access arrangements; vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance; vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

Policy GP5 – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

5.4 HOUSE EXTENSIONS AND DOMESTIC OUTBUILDINGS SUPPLEMENTARY PLANNING GUIDANCE (ADOPTED JANUARY 2020)

5.5 PARKING STANDARDS SUPPLEMENTARY PLANNING GUIDANCE (ADOPTED JANUARY 2015)

6. CONSULTATION RESPONSES

6.1 HIGHWAYS OFFICER

Objection

The information provided indicates what is presumably intended to be a drive. However, there is no lawful access without a footway crossing (dropped kerb). This is a requirement of the Highways Act 1980. The applicant should note that it is unlawful to undertake works on highway without the permission of the highway authority and separate licensing and

regulation is needed which is independent of planning.

The works are 5.1m wide which is appropriate for a double drive, however there is already a drive adjacent so this would require a dropped crossing 4 bays wide. This is prejudicial to road users with disabilities and reduces available kerbside parking, so cannot be supported by highways on grounds of inclusivity and parking.

In addition, the retaining wall is shown as 1m high. Whilst this may accord with planning regulations it exceeds the requirements for pedestrian visibility. Pedestrian visibility of 2m x 2m is required at a height of 600mm, so this raises further objection.

The submission shows a 3.8m deep hardstanding. Another drawing states 4.8m however as it is up to a wall it would need to be 5.5m deep to avoid parking overhanging highway (obstructing footway) resulting in further objection.

It is not known if the surface is permeable, however it appears to fall towards highway which would result in surface water entering highway and another offence under the Highways Act. A cut off drain and soakaway should have been incorporated.

In total the house would have four parking spaces, which exceeds the maximum set out in the SPG (three) so could raise objection on policy grounds.

In summary the design is not considered safe or policy compliant and raises a number of objections relating to the design.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 01.12.2025.

7.1 NEIGHBOURS: 7no neighbours were consulted. 2no responses received to date.

39 Alanbrooke Avenue

The work that's been done to this looks great; the owner has done a marvellous job. It fits in with the locality and enables cars to be parked off the road, a road which is heavily congested. The gardens should have been built like this during the initial build of the street. I know of nobody that would or could complain about this hardstanding. Projects like this should be applauded!

30 Alanbrooke Avenue

There are so many cars parked along the pavement of this narrow street. Making it extremely difficult for pedestrians to walk on it.

Therefore forcing people to have to stray into the road to get from one end of the street to the other.

Emergency services, delivery vans and rubbish/recycling Lorries struggle to come down here because of cars parked either side of the pavement too.

Number 34 have done the street a favour by having one less car parked on the road.

Their car is tucked out the way and posing no harm to anyone. Helping make the street a safer place for all the residents and people/vehicles passing through.

Their old drive, is one of the steepest in the street and not safe to park on. Especially when it's cold with slippery weather conditions.

For a resident such as myself I appreciate the effort they've gone to and fully support this!

8. ASSESSMENT

8.1 Visual Amenity/ Character and Appearance;

The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted January 2020) states that *'The council favours off-street parking, but schemes that sacrifice entire gardens in order to provide parking spaces will not receive planning permission'*. A 5.1m section of the wall along the front boundary has been removed, as well as a significant section of the landscaped area in the front garden. Prior to the removal of the landscaped area of the garden, the front garden provided 2/3 off-road tandem style parking spaces and a raised garden with some moderate shrubbery and landscaping features, contributing to a pleasant amenity. The development has removed all existing green infrastructure, and no compensatory planting is proposed. Having regard to the guidance set out in the House Extensions and Domestic Outbuildings SPG, it is considered that the development is not acceptable as it sacrifices the entire front garden in order to provide parking.

8.2 When assessing the context of the site and neighbouring properties along this stretch of

Alanbrooke Avenue, a strong sense of uniformity in the front gardens can be observed. Properties are typically characterised having raised planted front gardens, with hedging/vegetation and sloped tandem off-road parking spaces running parallel. This arrangement, with few exceptions, has not been altered to date. The consistency of these front gardens contributes to a pleasant streetscape which holds strong uniformity. The development disrupts the pattern of development and removes the features that are characteristic of this stretch of Alanbrooke Avenue. This would be detrimental to the visual amenity of the streetscene and the proposal is therefore not in accordance with Policy GP2 (General Amenity) of the Newport Local Development Plan 2011 – 2026.

- 8.3 While it is acknowledged that there is a driveway of a similar ilk at no.38 Alanbrooke Avenue i.e. where the raised garden has been excavated, retaining walls constructed and hard surfacing for the purposes of a parking area, existing records show that this drive is historic and does not act as precedent.

8.4 **Residential Amenity:**

Given the nature and scale of the development, it is considered that there is not a significant impact on neighbouring occupiers as a result of the development.

8.5 **Highways Safety:**

As the development includes the provision of off-road parking, the Council's Highways Officer was consulted on this application. The Highways Officer has noted that the works are 5.1m wide which is appropriate for a double drive however there is already a drive adjacent so this would require a dropped crossing 4 bays wide. This is prejudicial to road users with disabilities and reduces available kerbside parking, so cannot be supported by highways on grounds of inclusivity and parking.

- 8.6 In addition, pedestrian visibility of 2m x 2m is required at a height of 600mm. The plans indicate that a 1m retaining wall would occupy the northwestern (side) of the driveway which exceeds the requirements for pedestrian visibility, and this raises further objection on the grounds of Highways Safety.

- 8.7 The submission shows a 3.8m deep hardstanding however as it is up to a wall it would need to be 5.5m deep to avoid vehicles overhanging the pavement (obstructing footway) resulting in further objection. Site visits confirm that a smaller vehicle can only park on the space without overhanging the pavement if they do so at an angle. Larger vehicles would clearly prejudice usability of the adjoining public pavement and no vehicle can park in an acceptable perpendicular manner.

- 8.8 In addition, the drive must be surfaced with permeable bound material and must not discharge water onto highway. The surface is tarmac and not permeable and no cut off drain and soak away has been provided or any evidence of positive and sustainable drainage. As the driveway slopes towards the highway, these details are required, and their absence weighs against the proposal in this instance. The proposal is not in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015).

- 8.9 Newport's parking SPG limits the number of spaces to be provided to a maximum of 3no per dwelling. The property already benefits from 3no off-road tandem parking spaces so the additional provision is considered excessive and the proposed drive would not be policy compliant. The hardstanding is not of adequate size of layout to form a usable safe space and removes on road space thereby resulting in a net reduction of availability.

- 8.10 The applicant is advised that there is no lawful access without a footway crossing (dropped kerb). This is a requirement of the Highways Act 1980. The applicant should note that it is unlawful to undertake works on highway without the permission of the highway authority and separate licensing and regulation is needed which is independent of planning.

8.11 **Biodiversity:**

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. PPW 12 requires development to provide a net-benefit for biodiversity informed by a Green Infrastructure Statement that uses the DECCA principles and step-wise approach as detailed within Chapter 6. The application proposes the removal of green infrastructure and therefore any application for planning consent should be accompanied by scheme for biodiversity enhancement informed by a Green Infrastructure Statement. No Green Infrastructure Statement or biodiversity enhancement measures have been submitted as part of this application and their absence weighs against the proposal in this instance.

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 The proposal by reasons of its location, scale, design and appearance would result in a prominent and obtrusive development that would be out of keeping with the surrounding area and harmful to the character and appearance and visual amenity of the streetscene. It would set an undesirable precedent for similar development elsewhere along this street.

This is contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The existing driveway is serviceable and the hardstanding is too shallow to provide a space that would not have vehicles overhanging the pavement or set at an angle. The fencing and retaining wall finish is not sympathetic and appears obtrusive. The off road space removes on street provision and consequently on balance leads to a reduction of parking availability (as the development is not of sufficient scale to count as a usable safe space). Insufficient detail has been provided in relation to the hardstanding finish and drainage. This is contrary to Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The proposal involves the removal of green infrastructure, and no Green Infrastructure Statement or biodiversity enhancement measures have been proposed. This 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.

11. DECISION

REFUSED

01 The proposal by reasons of its location, scale, design and appearance will result in a prominent and obtrusive development that is unsympathetic with the surrounding area and harmful to the character and appearance and visual amenity of the streetscene. It will set an undesirable precedent for similar development elsewhere along this street to the detriment of its pleasant amenity. This is contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the adopted House Extensions and Supplementary Planning Guidance.

02 The proposed driveway will cause significant harm to interests of acknowledged importance, namely highway and pedestrian safety and highway drainage by reason of its substandard depth and layout, location and lack of visibility with no positive and sustainable surface water drainage proposed. This is contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015) and adopted Supplementary Planning Guidance on Parking standards and no information has been provided to mitigate this objection.

03 The development will have a significant adverse impact upon interests of acknowledged importance, namely biodiversity and green infrastructure as results in the loss of landscape features with no mitigation or justification. No Green Infrastructure Statement or ecological information has been submitted to mitigate this objection to the detriment of biodiversity and ecosystem resilience. This 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: 351 - 001 - Site and Location Plan, Proposed Works with Dimensions.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, 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.