

Delegated Decision Report

Application No:	25/0908	Statutory Period Expires:	17th December 2025
-----------------	---------	---------------------------	--------------------

Site:	74 Western Avenue Newport NP20 3SN		
Proposal:	TEMPORARY PLANNING PERMISSION FOR THE INSTALLATION OF ENTRANCE GATES AND PIERS		
Applicant:	S Hussain		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	Refused		

1. BACKGROUND

1.1 This application has been submitted as a result of an ongoing enforcement investigation, ref. E23/0257. An Enforcement Notice was served on a set of existing pillars and gates along with a means of enclosure. The enforcement notice required that the applicant:

- i. Reduce the height of the fencing, walls and pillars marked blue on the plan marked Appendix 1 to a height not exceeding one metre; and,*
- ii. Remove the gates marked green on the plan marked Appendix 1 in their entirety.*

1.2 An appeal was subsequently submitted, however this was dismissed.

1.3 The current application is to apply for the gates and pillars only as the proposed plans show the means of enclosure reduced to 1M in height and therefore would not require planning consent.

2. SITE LOCATION AND CONTEXT

2.1 The property comprises a detached dwelling located on the corner of Western Avenue and Glasllwch Lane. The property benefits from a vehicular access onto Western Avenue in the north-eastern corner of the plot. The immediate surrounding area is characterised by large, detached dwellings, set back in their plots, principally benefitting from low walled or fenced frontages and shared boundaries. Hedgerow and trees are also common boundary features.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks consent for the installation of entrance gates and piers. The gates would be set back 2m from the back of the footway. They would have a total height of 2.25m. Materials include red brick piers and grey clad gates. The Planning Statement submitted with the application states that the gates will be removed at the end of the 24 months and are required for security reasons. The plans also include details of a fence that has been lowered to 1m.

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)

5.3.2 Policies GP2 (General Amenity), GP5 (Natural Environment) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 **Highways:** The gates which have been erected prevent any pedestrian visibility and seriously reduce the vehicular visibility. This therefore raises objections on grounds of highway safety. In addition, the gates are not set back sufficiently to allow vehicles to enter without impacting pedestrian and vehicular movements adding further safety and obstruction issues. Furthermore, the gates open over highway which is unlawful and unsafe.

6.2 **Ecology Officer:** No objection

6.3 **Landscape Officer:** No objection

7. PUBLIC REPRESENTATIONS

7.1 Neighbour letters were sent on 28.10.2025, Site Notice was put up on 31.10.2025. 7no. neighbours were consulted. The comments received are summarised below:

- that the gates, pillars and boundary walls are positioned on a blind corner where vehicles often travel at speed, creating a hazardous situation.
- waiting for the electric gates to open must stop within the carriageway, resulting in near-miss incidents, difficulty for emergency vehicles to pass, and concern for the safety of schoolchildren who regularly walk along the route.
- the height and siting of the structures significantly restrict visibility for vehicles entering or leaving nearby driveways, particularly No. 72 Western Avenue, making safe manoeuvring difficult.
- the development is visually intrusive and out of keeping with the established street scene, where boundary treatments typically consist of low hedges and shrubs. The development is described as overly tall, dominant and incompatible with the character of the area.
- concern that the temporary application is being used to delay compliance with this decision and ongoing enforcement action.
- visitors block driveways when the gates open slowly, causing inconvenience and contributing to safety concerns.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site comprises an existing residential dwelling that is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development is accepted, subject to all other material considerations being met.

8.2 Character and Appearance

8.2.1 An enforcement notice was served on the original gates and piers due to the unacceptable impact of the gates and the means of enclosure on the character and appearance of the area. In an attempt to overcome the identified harm the application proposes the gates set back by 2 metres from the edge of the footway and the fence has been reduced to a height of 1 metre, which constitutes permitted development. The cumulative effect of moving the pillars and gates further into the site, combined with lowering the boundary fence, has

sufficiently reduced the overall prominence of the boundary treatment. However, it is considered that the gates and piers due to their scale, position and design would maintain an unacceptable visual impact that detracts from the current open and attractive character of the area. The gates/piers would be viewed as a hard, visually impermeable feature at odds with its surroundings. The proposed set in has failed to address the previously identified harm within the enforcement notice and appeal decision.

8.3 Residential Amenity

- 8.3.1 Given the scale and siting of the proposed development, it is not considered that there would be an unacceptable adverse impact on the residential amenity of neighbouring occupiers by way of loss of privacy or overbearing impact. The proposal does not conflict with policy GP2.

8.4 Highway/Pedestrian Safety

- 8.4.1 In terms of highway implications, pedestrian and vehicular visibility has improved as a result of setting the gates further back and the proposed reduction in height of the fencing. However, the revised position of the gates/piers has the potential for vehicles to wait on/overhang the footway before the gates can be opened and access can be granted to the site, this results in an obstruction to pedestrian movement and results in an unacceptable impact on highway safety particularly given the location of the property adjacent to a corner.
- 8.4.2 While the applicant indicates that the gates would be temporary, this does not lessen their effect on pedestrian or highway safety and there is no justification or mitigating factors that have been proposed that the Local Planning Authority consider outweigh the clear and identified harm to highway and pedestrian safety that would arise from the proposed development due to the siting of the gates. Furthermore, the justification that the gates are required for security purposes does not provide sufficient grounds to introduce a feature that prejudices highway/pedestrian safety. There are no conditions that the LPA consider could overcome such concerns and therefore it is concluded that, the siting of the gates as proposed would be unacceptable from a highway safety perspective, contrary to policy GP4.

8.5 Biodiversity

- 8.5.1 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.
- 8.5.2 In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance.
- 8.5.3 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*". Whilst no biodiversity enhancement or GIS has been submitted, it is considered that there would be a possibility to achieve a suitable biodiversity enhancement without prejudicing the character and appearance of the property. In the event that the planning application were to be approved, a suitably worded condition would be considered circular compliant, and could be attached to the permission. However, given that the application is being refused, the lack of biodiversity scheme 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 The proposed location, design and scale of the gates would have a detrimental adverse impact on the character and appearance of the area. Additionally, the gates by reason of their siting would result in vehicles waiting on the footway for the gates to open and would result in a highway safety issue, contrary to policy GP4.

11. **RECOMMENDATION**

REFUSED

01 The proposal would result in vehicles stopping on the footway, obstructing pedestrian movement, resulting in an unacceptable impact on highway safety, contrary to policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015)

02 The gates and piers by reason of their scale, design and proposed siting would have an unacceptable adverse visual impact that detracts from the character and appearance of the area contrary to the Place Making Objectives contained within Planning Policy Wales and Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015)

03 The proposal does not include a Green Infrastructure Statement or an appropriate scheme for biodiversity net-benefit, contrary to Policy SP1 and GP5 of the Newport Local

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5 and GP6 were relevant to the determination of this application.

02 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.