

Delegated Decision Report

Application No:	25/1047	Statutory Expires:	Period	3rd February 2026
Site:	46 Caerau Road Newport South Wales NP20 4HH			
Proposal:	REMOVAL OF EXISTING DRIVEWAY PAVING AND RELAY NEW CONCRETE IN-PRINT PAVING, REPOSITIONING OF EXISTING STONE PIERS ON ENTRANCE TO ALLOW A WIDER OPENING, NEW FRONT GATES, PATIO AREA AND LANDSCAPING (RETROSPECTIVE)			
Applicant:	R Aziz			
Type:	Full	Ward:	Stow Hill	
Decision:	REFUSED			

1. BACKGROUND

- 1.1 This application is accompanied by a separate application for Conservation Area Consent for the demolition of the stone entrance pillars and part of the boundary wall/fence (Ref: 25/1057). These works are included in the proposals for the wider scheme.

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 to re-landscape the site as well as make alterations to the site's boundaries, with the majority of the works being retrospective. The works are summarised as follows:
- Remove the existing raised planting bed located at the north west corner of the application site along with an area of lawn to the northern end of the site. Both would be replaced with white stone chippings and an area of astro-turf. Two palm trees would be retained.
 - Build two steps adjacent to the front boundary of the application site and set LED lights within concrete which borders the white stone chippings.
 - Retain the front tree bed and enclose it with a new low level brick wall.
 - Replace existing crazy paving and slabbed area with new pattern in-printed concrete.
 - Reduce planting bed to southern end of site – the extent of tree removal is unclear.
 - Retain front tree bed and enclose with new low level brick wall.
 - Replace existing fence on southern boundary with new 1.8 metre close boarded fence, to include either a natural stain or paint finish.
 - Reposition two existing stone entrance pillars to widen two existing openings on the western boundary of the site by 600mm.
 - Replace existing close boarded fence along front (western) boundary with new.

4. RELEVANT SITE HISTORY

4.1

Application Number:	Proposal:	Decision:	Decision Date:
25/0411	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)	Refused	06/11/2025
20/1069	PROPOSED ALTERATIONS TO WINDOWS ON FRONT ELEVATION COMPRISING RESTORATION OF WINDOW FRAMES AND REPLACING SINGLE GLAZING WITH DOUBLE GLAZING	Refused	05/08/2022

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)

GP2 (General Amenity)

GP4 (Highways and Accessibility)

GP5 (Natural Environment)

GP6 (Quality of Design)

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

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 Conservation Area (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 Conservation Area Appraisal (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, often 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.

4.1.2 The different types of architecture throughout the Conservation Area is illustrative of its phased development and result in an aesthetic variety, especially the contrast of the highly visible terraces and more hidden villas. Characteristic features such as prominent gables, ornate detailing and prominent positioning add further to the aesthetic value of the buildings.

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 character and appearance of Stow Park Conservation Area.

Analysis

46 Caerau Road is identified as a Positive Contributor towards the CA. Though an undesignated heritage asset, the property has high historical and aesthetic value as a large, late-19th century house which is one of the few originally detached properties along Caerau Road. Despite its set-back position, the building is prominently located within an Important CA view (see p.15 of the Stow Park CAA). It is an imposing, symmetrical, two-storey villa with ornate stucco finish, full-height faceted bay windows to front, framing a central Doric front porch with low, pedimented roof. The hipped roof has over-hanging corbelled eaves and

a slate finish; its symmetry further reflected in its buff brick chimney stacks with cream terracotta pots.

The house is set behind a decorative and significant boundary wall (see below). The generous plot contributes further towards the setting (and the significance) of the undesignated asset, as a high-status, detached property. Though there is a large area of hardstanding to the front (and south) of the house, it is formed principally in stone, providing a soft and natural appearance (see image below). Beds to the front and northern boundary also provide generous areas for trees and other planting, which allow for visually important amenity and further, positive contribution towards the character and appearance of the CA.

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, their extensive planting, and their mature trees make a very positive contribution towards the character and appearance of Stow Park Conservation Area.

I cannot see that a site Landscape plan (as referenced within the Biodiversity Report) has been submitted. Whilst I will defer observations to my tree colleagues, I would note that 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 latter 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 “Careau” 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, are framed-ledged-and-braced, with substantial strap hinges. They make a generally positive contribution towards character and appearance.

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

“The proposed works will also result in a limited change to the setting of the asset. Details concerning the design and colour of the gates are unavailable at present, apart from the intention to install arched gates and for both gates and fencing to be of timber construction and therefore consistent with the existing structures. Ensuring the fencing and gates are of similar design and colour to the existing structures and that the electric gate operating mechanisms are discreetly located would further mitigate impact.”

Though, conversely, concludes that:

“...changes to the front boundary and garden resulting in little change to the stone wall, beyond the slight widening of the entrances, and 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...”

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 for 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 proposed works are also likely to result in limited change to the asset’s setting. Details concerning the design and colour of the gates are unavailable at present, apart from the intention to install arched gates and for both gates and fencing to be of timber construction and therefore consistent with the existing structures. Ensuring the fencing and gates are of similar design and colour to the existing structures and that the electric gate operating mechanisms are discreetly located would further mitigate impact.”

Drawing No. RA2025/02-02 (Proposed Ground Plan and Fence Elevation) 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, provided they are rebuilt to match. To this end, a method statement and specification of works may be secured via condition.
- It is proposed to reconstruct the existing close-boarded fencing to match the existing. The proposed “colour/stain” of the new fencing is not made clear. This would be considered to preserve character and appearance, though proposed colour should be conditioned (and be of a muted tone, either to match the existing or of a suitable ‘heritage’ colour).
- Details of the proposed gates are very low. Whilst they appear to now be of 50:50 split and side-hung (opening inwards), it is entirely unclear how the “*electric operating mechanisms*” would be installed and would operate. In elevation, no strap hinges are shown. In plan, no posts are shown, but the gates appear to retain their position within the reveals of the brick piers, though set further back than the existing. As per the HIA, the drawing clearly indicates that the fence and gates will be “PAINTED TO AGREED COLOUR ON APPROVAL”. I would say that we need detailed design for the new gates up-front (i.e. prior to determination), to demonstrate that the new and their automatic opening mechanisms 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."*

According to P.2 of the supplied the HIA, *"The proposed changes affecting the 'crazy paving' and slabs of the driveway also do not represent a notable change to the asset's setting; moreover, the proposed pattern-printed concrete is evidently to be of similar design to the 'crazy paving'... The retention of all the other trees in the site is also considered to mitigate impact, screening the changes to the paving and grass of the front garden, in addition to maintaining the present green character."*

In my view, though not prominently visible from the western side of the road, the height of the boundary wall/fence allows for public views of the property's forecourt from the eastern pavement, and loss of the natural stone finish to the principal front of the house to printed concrete (already undertaken – see below) has resulted in a stark and uniform finish which fails to preserve or enhance the character or appearance of the site, the setting of the undesignated asset, or the wider conservation area. This visual harm would be further exacerbated by the proposed introduction of modern LED sensor ground lights and "ACO" drainage to the perimeter of the house.

To the north of the site, the proposed loss of planting beds to the front and side boundaries (given over to white stone chippings), and loss of the lawned area to 'Astroturf' would also impact negatively upon the lush, characterful, and spacious front garden which contributes positively towards the character and appearance of the area.

I am unclear how the net loss of planting area to the boundaries and an increase in hardstanding (including loss of grassed area to 'Astroturf') will serve to enhance biodiversity.

Conclusion

Page 3 of the HIA acknowledges some harm to the character and appearance of Stow Park Conservation Area: *"The overall impact of the proposed development upon No. 46 Caerau Road and the Stow Park Conservation Area can be assessed as Slight."*

I would concur that tangible harm will result from these works, contrary to the aims of Historic Environment Wales Act 2023, Planning Policy Wales and Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015. As a result, I would recommend that the application be refused.



Figure 1 - Arrangement of garden to 46 Caerau Road prior to works taking place.



Figure 2 - Existing Hardstanding to 46 Caerau Road - Undertaken without planning permission.

- 6.2 Tree Officer: No response received.
- 6.3 Ecology Officer: No response received.
- 6.4 Landscape Officer:
RECOMMENDATION: ADDITIONAL INFORMATION REQUIRED.

Overview/Summary:

- Front driveway and front garden hard and soft landscape proposals.
- A proposed general arrangement plan has been submitted.
- The property is within a conservation area and design proposals should be sympathetic to the setting.
- A permeable paved solution to the driveway surfacing would be supported as opposed to imprinted concrete flags.
- Astroturf has been proposed for the lawn area. A natural flowering lawn seed mix/turf would be preferred.
- An AcoDrain around the property could be avoided using a sustainable drainage system whereby water was directed over and through the paving into rain gardens (planting beds) and/or a suitably positioned land drain, as suggested by our highways officer.
- A tree report and method statement for protection of the trees by the applicant for approval by our tree officers, which I would refer this case to.

Relevant Policies:

- LDP 2015-26 – Strategy and Plan Objectives o Objective 5 – Conservation of the Built Environment
- LDP 2015-26 – Strategy and Plan Objectives:
SP9 Conservation of the Natural, Historic and Built Environment 24
- LDP 2015-26 – General Policies:
GP5 Natural Environment
CE7 Conservation Areas – Stow Park

Further details required to be submitted for approval.

- Soft Landscape/Planting plan to include:
Type: Trees / Shrubs / Bulbs / Native / Ornamental / Marginal / Aquatic /Roof gardens /wildflower meadow, Species, Size/Specification, Position, Spacing/density, Accessories – Tree stakes/watering bags/wire support/trellis/planters.
- Hard Landscape/Materials plan to include:
Surfacing, Edging, Street furniture, Boundary Treatment, Enclosures, No dig construction.

Informative:

- No objections in principle but as highlighted above, amendments could be made to improve the current scheme and further information submitted for approval.
- Sustainable approaches to design would be strongly encouraged and therefore likely be supported, to include aspect such as: o Sustainable Drainage System(s) (SuDS) components.
- Native planting.
- Reclaimed and recycled materials.
- Habitat creation.
- It would be advised that a suitably qualified landscape specialist/professional is used to satisfy the above.

6.5 Drainage: No response received.

6.6 Local Highways Authority: Not supported.
In terms of materials, highways would require permeable surfacing, however the use of suitable soak aways could address this issue.

With respect to the walls and gates, we note that the existing arrangement provides zero pedestrian visibility and adequate width to enter/leave. We also note the use of multiple access points without any reason. This cannot be supported, as it impacts highway safety and reduces on street parking availability.

Whilst the applicant could retain the original arrangement, and resurface the drive, Highways consider that any changes to the access trigger the need to incorporate proportionate improvements to pedestrian safety. Instead, the drives are made wider, simply allowing higher approach speeds, and reducing on street parking further.

The proposals are considered detrimental to highway safety, when improvements should have been proposed. If it is considered necessary to retain the wall/appearance it should be recessed to provide the gates further into the site. This improves safety for vehicle users and pedestrians. It allows vehicles to stop without impeding vehicles or pedestrians and provides inter-visibility between exiting vehicles and pedestrians.

7. PUBLIC REPRESENTATIONS

- 7.1 The application was advertised by direct notification letter. No responses were received.

8. ASSESSMENT

8.1 *Principle of Development:*

- 8.1.1 The works proposed relate to an existing dwelling within the settlement boundary as defined by the LDP. Whilst the site is located within the Stow Park Conservation Area and is subject to the Stow Park Conservation Area Article 4 (2) Direction 2020, the overall principle of the proposal is regarded as acceptable, subject to the material considerations below.

8.2 *Impact on Heritage Assets:*

- 8.2.1 The Historic Environment (Wales) Act 2023 (HEWA 2023) places the duty on the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character or appearance conservation areas. Strategic Policy (SP) 9 (Conservation or 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.

- 8.2.2 The application has been subject to consultation with the Council's Principal Heritage Officer, who notes that 46 Caerau Road is identified as a Positive Contributor towards the character and appearance of Stow Park Conservation Area.

- 8.2.3 With regard to the relocation and reconstruction of the existing gate pillars, no objection in principle has been raised subject to the submission of a method statement and specification of works, which could be secured via condition. The reconstruction of the existing close-boarded fencing to match the existing has also been deemed acceptable, subject to the submission of details of paint colour, which again could be secured by way of condition. The Officer has however noted that details of the proposed gates are very low and it is entirely unclear how the "*electric operating mechanisms*" would be installed and how they would operate. In order to preserve character and appearance detailed design for the new gates should be submitted prior to determination.

- 8.2.4 In terms of the new hardstanding, the Principal Heritage Officer comments that although though not prominently visible from the western side of the road, the height of the boundary wall/fence does allow for public views of the property's forecourt from the eastern pavement, and the loss of the natural stone finish to the principal elevation of the house to printed concrete (already undertaken) has resulted in a stark and uniform finish which fails to preserve or enhance the character or appearance of the site, the setting of the undesignated asset, or the wider conservation area. This visual harm would be further exacerbated by the proposed introduction of modern LED sensor ground lights and "ACO" drainage to the perimeter of the house. To the north of the site, the proposed loss of planting beds to the front and side boundaries (given over to white stone chippings), and loss of the lawned area to 'Astroturf' would also impact negatively upon the lush, characterful, and spacious front garden which once contributed positively towards the character and appearance of the area.

- 8.2.5 In conclusion, it is considered that tangible harm would result from the works proposed, contrary to the aims of Historic Environment Wales Act 2023, Planning Policy Wales and Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015. As a result, the Principal Heritage Officer has recommended that the application be refused.

8.3 *Biodiversity and Impact on Trees:*

- 8.3.1 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. Planning Policy Wales (Edition 12) (PPW)

reiterates that biodiversity must be maintained and enhanced to enable resilient ecological networks to be built and deliver net benefits for biodiversity. 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.

- 8.3.2 Furthermore, PPW indicates that a step-wise approach must be taken to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Evidence in the form of a Green Infrastructure Statement should accompany the application to ensure that the step-wise approach has been followed. 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.
- 8.3.3 Whilst a biodiversity enhancement scheme accompanies the Application, the extent of tree removal that has already been undertaken as well as further proposed remains unclear. As such, the Council is unable to ascertain whether or not a biodiversity net gain has been achieved, particularly as large areas of planting and lawn have been removed and will not be replaced. Furthermore, there is no evidence to suggest that the new hardstanding has not been laid within the Root Protection Areas of the remaining trees, neither is there evidence to indicate whether or not this has caused harm to the ongoing health and longevity of the trees.
- 8.3.4 Due to the lack of information, with particular regard to the removal of trees, it is not considered that the proposal is in accordance with Future Wales Policy 9, the aims of PPW12 in so far as they relate to biodiversity interests and environmental protection and Policy GP5 of the Newport Local Development Plan.
- 8.3.5 In addition to the above, it is important to note that trees in Conservation Areas are automatically protected from being cut down or having work done to them in order to preserve the special character of the area. It appears that several trees within the application site have been removed already without consent, and no justification for this removal has been provided, for example evidence to suggest the trees in question were suffering from ill health or were dangerous. A review of historic images of the site shows that the trees provided a positive contribution to the character of the area, softening the appearance of the prominent roadside site when viewed from the street. It is considered that the removal of trees has therefore failed to preserve or enhance the conservation area, contrary to Policy CE7 of the Newport Local Development Plan 2011–2026 (Adopted January 2015).
- 8.4 *Impact on Neighbours:*
- 8.4.1 Due to their nature, the proposed works are not considered to result in harm to the residential amenities or privacy of surrounding neighbours, in accordance with Policy GP2 of the LDP.
- 8.5 *Impact on Highway Safety:*
- 8.5.1 It is noted that the existing arrangement of the site boundaries results in zero pedestrian visibility, neither is there adequate width for vehicles to access and egress the site. Notwithstanding this, the proposal is not considered to improve the situation.
- 8.5.2 Whilst the applicant could retain the original arrangement, and resurface the drive in theory, the Local Highways Authority consider that any changes to the access trigger the need to incorporate proportionate improvements to pedestrian safety. On the contrary, widening the accesses would allow for higher approach speeds and also reduce on street parking. This is considered to result in further harm to pedestrian and highway safety when directly compared to the existing situation.
- 8.5.3 Based on the above, and the objection from the Local Highways Authority, it is considered that the development proposed would be detrimental to pedestrian and highway safety and therefore would not be in accordance with Policy GP4 of the LDP.

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 the works proposed as they 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. Furthermore, the proposal fails to provide information which adequately details or justifies the extent of tree removal. In addition, the proposed widening of the access points would result in an increase in harm to pedestrian safety.

11. **DECISION**

REFUSED

- 1) The application would fail to preserve or enhance the character and appearance of the Stow Park Conservation Area. 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).

- 2) The application contains insufficient information to demonstrate the extent of, or provide justification for, the proposed tree removal, neither does it adequately detail how the development would result in a biodiversity net gain. In addition, no information has been provided to evidence that the proposed works such as new areas of hardstanding are not sited within tree root protection areas and would not result in ongoing harm to tree health. Due to this lack of information, the proposal is contrary to Future Wales Policy 9, the aims of PPW12, in so far as they relate to biodiversity interests and environmental protection, and Policy GP5 of the Newport Local Development Plan.
- 3) The widening of the access points in the manner proposed would allow for higher approach speeds into and out of the site, thereby increasing the risk of harm to pedestrians due to inadequate pedestrian visibility splays. Furthermore, the proposal would reduce the availability of on street car parking. The proposal is therefore contrary to Policy GP4 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 and Fence Elevation (RA2025/02-01), Proposed Ground Plan and Fence Elevation (RA2025/02-02), Heritage Impact Statement and Green Infrastructure Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, GP2, GP4, GP5, GP6 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.