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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/11/22

gan Declan K Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion  
Cymru

Dyddiad: 29/11/2022

## Appeal Decision

Site visit made on 15/11/22

by Declan K Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

an Inspector appointed by the Welsh  
Ministers

Date: 29/11/2022

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**Appeal Ref: CAS-01913-G8C2H8**

**Site address: Sutton Cottage, Beach Road, St Brides Wentlooge, Newport,  
NP10 8SH**

<b>The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.</b>
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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Lynne Jones against the decision of Newport City Council.
  - The development proposed is the “retention of vehicle access and relocation of unauthorised gates and boundary treatment”.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I note the description of the proposed development varies between that stated on the planning application form and the Council’s decision notice; I have used the latter description, as copied into the banner heading above, as it is more accurate.

### Main Issues

3. I consider the main issues in this case to be whether the proposal would be detrimental to highway safety, and its effect on the character and appearance of the area.

### Reasons

#### *Highway Safety*

4. The Council’s first reason for refusal refers to a failure to demonstrate that the proposal would provide safe and suitable access arrangements and that it avoids any detriment to highway safety. The proposed development seeks permission for a new residential access onto Beach Road/B4329 which is subject to the national speed limit. The appellant’s

submitted speed survey demonstrates that the 85<sup>th</sup> percentile speed of traffic passing the site is 31 mph which allows for visibility splays to be reduced to 2.4 m by 45 m.

5. The Council's planning report states that the appellant has not submitted accurate drawings to confirm that the required visibility splays are achievable and fully within the control of the appellant. The appellant's submitted plan showing the required visibility splays lacks detail in terms of being a topographic survey, nonetheless, based on that plan and my observations whilst on site, it appears that the splay to the south would be achievable and within the control of the appellant/local highway authority, however the same can't be said for the northern visibility splay. Based on the submitted details and my observations I am not convinced the splay can be achieved on land within the control of the appellant/highway authority.
6. In the absence of adequate and accurately detailed drawings confirming that the splay to the north of the site can be achieved as per the requirements of the Council, the appellant has failed to demonstrate that the proposed access would not be detrimental to highway safety. The alignment of the road also reinforces my concerns regarding the need for the provision of appropriate visibility splays in the interests of highway safety.
7. Bearing in mind the above I therefore conclude the proposed development would be detrimental to highway safety and is therefore contrary to policy GP4 of the adopted Newport Local Development Plan (LDP) which seeks, inter alia, to ensure highway safety.

#### *Character and Appearance*

8. The Council's second reason for refusal refers to the proposal resulting in an urban form of development which when coupled with the removal of boundary vegetation would be detrimental to the visual amenities of the area. The character and appearance of the rural area is that of scattered roadside frontage dwellings. Those properties have a significant degree in variation in terms of their road frontage boundary treatment, including, hedging, brick and stone walls, panel fences, and access gates of various widths/heights and appearance; the existing roadside frontage to the appeal property exhibits elements of these features. As a result, notwithstanding the removal of a relatively modest section of hedgerow to create the access, the proposed development with its use of wrought iron gates would not visually appear unusual or materially out of place in terms of the character or appearance of the rural area or with the general form of other development locally. The proposal would therefore not be detrimental to the character and appearance of the area or run contrary to LDP policies SP5, GP2 and GP6 which collectively seek to safeguard visual amenity.

#### *Other Matters*

9. Wentlooge Community Council sought to draw parallels between the proposed development and other similar development within the area that is subject to Council enforcement action, however I do not know the circumstances surrounding those cases and therefore cannot draw any reasonable comparisons. In any event each application is considered on its own merits.

#### **Conclusions**

10. For the reasons given above, and having considered all other matters raised, I conclude that the appeal be dismissed.

11. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

*Declan K Beggan*

Inspector