

# 1. FORMAL OBJECTION LETTER

**Planning Application:** 25/1004

**Site:** Kensington Court Day Centre, Oaklands Road, Newport

**Proposal:** Demolition and construction of six dwellings with access, turning area and associated works

**From:** [REDACTED] 25 Eveswell Park Road, Newport, NP19 8GT

**Date:** 15-12-2025

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## 2. Introduction

I write to formally object to the above application. While redevelopment of the site in principle is acknowledged, the submitted proposal results in **unacceptable harm to residential amenity** for existing dwellings on **Eveswell Park Road**, particularly Nos. **23, 25 and 27**, due to **excessive height, overbearing massing, proximity, and inadequate boundary treatment**.

Crucially, the application is supported by **incomplete and misleading sectional and layout drawings**, preventing a proper assessment of the development's true impact on neighbouring properties.

## 3. Conflict with Newport LDP – Residential Amenity

- **Policy H4 – Housing Development Criteria**

Policy H4 requires new housing to **not cause unacceptable harm to the amenity of existing residents**, including through dominance, loss of outlook, or overbearing impact.

The proposed dwellings incorporate:

- basement levels,
- raised ground floors ( $\approx$  **41.17 m AOD**),
- first floors reaching  $\approx$  **43.72 m AOD**

When assessed relative to the **higher ground level of existing Eveswell Park Road dwellings**, this results in an **oppressive and visually dominant form**, particularly for neighbouring bungalows and low-rise houses. This constitutes clear harm to outlook and residential amenity, contrary to Policy H4.

## 4. Placemaking and Design Quality

Policy D1 requires development to:

- respond positively to site context,
- respect surrounding scale and character, and
- create a coherent relationship with neighbouring buildings.

The proposal fails this test because:

- the scale and vertical massing is inconsistent with surrounding development,
- the steeply engineered form (retaining walls, elevated platforms, fencing) creates a **hard, defensive edge** rather than a respectful transition, and
- the proposal prioritises internal site optimisation over external amenity impacts.

The development therefore does not represent **high-quality placemaking** as required by Policy D1.

## 5. Inadequate and Misleading Sectional Drawings (Procedural Failure)

A fundamental concern is that **key cross-sections submitted with the application omit the most affected neighbouring dwellings**, specifically **Nos. 23, 25 and 27 Eveswell Park Road**.

Sections S-07, S-09, S-11 to S-14 and S-36 illustrate only:

- proposed plots,
- internal retaining structures, and
- generic “adjoining houses on higher ground” without scale, footprint, or roof form.

This omission:

- prevents officers and members from understanding the true relationship between proposed and existing dwellings,
- materially understates visual dominance and enclosure effects, and
- undermines confidence in the design assessment.

In addition, the submitted drawings—most notably the cross-section layout (Drawing No. 024-004-A, dated 21-02-2024)—appear to present a misleading impression of scale and proportion. By way of example, the proposed dwellings are depicted as relatively modest in size when set within the section, despite other submitted drawings indicating substantially larger footprints, approximately 11 m × 6 m, as shown in Drawing No. 09 B – Plans and Elevations Houses Plots 1,2,3.

This concern is reinforced by reference to the stated dimension of 12.776 m from the eastern edge of Plot 3 to the easterly positioned timber gate, which indicates a building scale and proximity that is not accurately reflected in the sectional drawings.

In the absence of accurate, consistent and representative sectional information, the drawings materially understate the true scale of the development. Under Policy D1 and the basic principles of sound decision-making, the Local Planning Authority cannot reasonably conclude that the resulting impacts on neighbouring amenity have been adequately or reliably assessed.

## 6. Privacy screening

### 6.1. Removal of Existing Privacy Screening Trees

The submitted **Arboricultural Impact Assessment (BS5837:2012)** confirms that several mature trees which historically provided **effective privacy screening** between the application site and existing dwellings on **Eveswell Park Road (Nos. 21, 23, 25 and 27)** are to be removed for their poor condition.

In particular, the report confirms the following removals:

- **Tree T23 – Oak (Category U)**  
Recommended for removal due to significant crown dieback (50%+), previously located centrally between the site and Eveswell Park Road properties.
- **Tree T29 – Western Red Cedar (Category U, off-site)**  
Located on higher ground, historically providing elevated screening to Eveswell Park Road properties. Recommended for removal due to poor condition and liability concerns.

These two trees have **historically provided vertical and lateral privacy screening**, mitigating overlooking, dominance and perceived enclosure from the site. Their removal represents a **material change in baseline conditions** for neighbouring residents. In addition it has been noted that the survey layout has mistakenly located T29 onto the boundary fence between properties 25 – 27 of Eveswell Park Road dwellings. Clarity is therefore required. This raises concerns regarding the accuracy and reliability of the submitted documentation.

## 6.2. Absence of Replacement Privacy Screening

While the Arboricultural Impact Assessment states that replacement planting “*can be*” undertaken in final landscaping, the **submitted Landscape Schematic does not specify**:

- the **location** of replacement trees relative to Eveswell Park Road dwellings,
- the **species** intended specifically for privacy screening,
- the **size, age or maturity at planting**, or
- the **timescale** over which effective screening would be achieved.

The Landscape Schematic lists a generic planting palette and ecological features but **does not identify any dedicated privacy screening strategy** to replace the loss of T23 and T29, nor does it illustrate screening in relation to the nearest affected dwellings on Eveswell Park Road.

As submitted, the landscaping proposals are therefore **non-specific, non-quantified, misleading and unenforceable** in terms of residential privacy protection.

## 6.3. Failure to Assess Privacy Impact on Eveswell Park Road Properties

Critically, neither the Arboricultural Assessment nor the Landscape Schematic:

- identifies the precise position of Nos. 21, 23, 25 and 27 Eveswell Park Road dwellings in relation to the new development and proposed landscaping, nor
- assesses how removal of existing trees alters **intervisibility, overlooking and perceived dominance** between the proposed dwellings and existing homes.

This omission mirrors the deficiencies already identified in the sectional drawings, where the most affected neighbouring dwellings are similarly excluded from assessment.

As a result, the application fails to demonstrate that residential privacy will be protected **post-development**, particularly once the established tree cover is removed.

## 6.4. Conflict with Newport LDP Policy H4 and Policy D1

The loss of established privacy screening without secured, equivalent replacement conflicts with:

- **Policy H4 (Residential Amenity)**  
→ which requires protection from overlooking and loss of privacy.
- **Policy D1 (Placemaking and Design Quality)**  
→ which requires development to integrate landscaping as a functional component of amenity, not as an undefined afterthought.

The absence of a clear, enforceable privacy screening scheme means that **landscaping mitigation is being relied upon in principle only**, without certainty of delivery or effectiveness.

## 6.5. Conclusion on Privacy Screening

The proposal results in:

- removal of long-established privacy screening trees,
- no defined or secured replacement strategy,
- no assessment of privacy impacts on Eveswell Park Road dwellings, and
- reliance on future landscaping detail to resolve a fundamental amenity issue.

This is **not an acceptable planning approach**. Privacy mitigation must be **designed, assessed and secured at application stage**, not deferred.

## 7. Boundary Treatment, Ownership and Long-Term Maintenance

The drawings indicate:

- 1.8 m high close-boarded timber fencing,
- retaining walls up to 3 m, and
- partial retention of existing boundary walls.

However, the application fails to clarify:

- ownership of new fences and retaining walls,
- long-term maintenance responsibility,
- access rights for inspection and repair, and
- liability should structural failure occur.

Given the **scale and permanence** of these engineered boundaries, this uncertainty is inconsistent with Policy D1's requirement for safe, well-managed environments.

## 8. Conclusion

For the reasons above, the application:

- conflicts with Policies H4 and D1 of the Newport LDP,
- fails to adequately assess impacts on neighbouring amenity, and
- relies on incomplete supporting information.

The application should address the above mentioned concerns and objections prior to approval.

We support Local Planning Authority in their request for **substantial revision** of the application, including accurate cross-sections showing affected dwellings, reduced height and massing, privacy screening and full clarification of boundary responsibilities.

## 9. TECHNICAL ADDENDUM

**Application:** 25/1004 – Kensington Court

**Subject:** Height, Sections, Boundary Engineering and Amenity Impact

### 9.1. Omission of Neighbouring Dwellings in Sections

Despite the proximity of Nos. **23, 25 and 27 Eveswell Park Road**, none of the submitted sections show:

- neighbouring building footprints,
- ridge heights,
- finished floor levels, or
- comparative massing.

Instead, references to “adjoining houses on higher ground” are schematic and unscaled. This is **not sufficient** for assessing dominance, outlook, or enclosure and represents a **material deficiency** in the submission.

### 9.2. Retaining Walls and Fencing – Engineering Impact

The proposal introduces:

- multiple retaining walls up to **3 m**,
- close-boarded fencing atop level changes, and
- stepped terraces close to rear boundaries.

This creates a **fortified edge condition** directly facing existing residential gardens, increasing perceived enclosure and reducing openness—contrary to accepted suburban residential design norms.

### 9.3. Boundary Ownership and Risk

No legal or management plan is provided to confirm:

- whether retaining walls are adoptable or privately owned,
- who bears inspection and repair costs,

- how access will be secured without trespass.

Given the scale of the structures, this omission poses **long-term risk** to neighbouring owners and should be resolved **prior to any grant of consent**, not left to condition.

## 9.4. Technical Conclusion

The proposal, as submitted:

- materially understates its impact through incomplete drawings,
- fails to demonstrate compliance with LDP amenity and design policies, and
- introduces unresolved engineering and boundary risks.

From a technical planning perspective, the application is **not soundly supported** and should not be approved in its current form.

## 10. Visual Comparison Statement

### 10.1. Submitted Drawings Are Visually Misleading

The applicant's drawings present the proposed dwellings **in isolation**, without showing the **nearest and most affected neighbouring houses**.

Specifically:

- Sections S-07, S-09, S-11, S-12, S-13, S-14 and S-36 do **not** show existing dwelling units Nos. 23, 25 or 27 at Eveswell Park Road.
- Neighbours are instead labelled generically as "*adjoining houses on higher ground*" without scale, roof form or finished floor levels at proposed and existing dwellings.
- This prevents a genuine assessment of **dominance, outlook and enclosure**.

As a result, the drawings significantly **understate the perceived height and massing** when viewed from existing homes.

## Side-by-Side Height Comparison (Real-World Perception)

Table 1 – Existing vs Proposed (Simplified Visual Comparison)

Table 1- Visual comparison summary

Element	Existing Eveswell Park Road Dwellings (Typical)	Proposed Kensington Court Dwellings
<b>Building type</b>	Bungalows / low 2-storey houses	Basement + ground + first floor
<b>Ground relationship</b>	Natural slope, minimal engineering	Extensive cut & fill
<b>Basement</b>	None	Yes (garage level ~38.17 m)
<b>Ground floor</b>	~37–39 m AOD (approx.)	~41.17 m AOD
<b>First floor</b>	Often none / limited	~43.72 m AOD
<b>Property roof ridge</b>	To be measured in situ	To be stated in sections
<b>Retaining walls</b>	None	Up to <b>3.0 m high</b>
<b>Boundary fence</b>	Standard garden fence	<b>1.8 m close-boarded timber</b>
<b>Overall perceived vertical face</b>	~1–1.5 storeys	<b>3+ storeys equivalent</b>

### Key point:

Although described as “two-storey”, the proposed dwellings function visually as **three-storey structures** when viewed from neighbouring land due to basements, elevated ground floors and retaining walls.

## 10.2. Cross Sections design requirements

To ensure impartiality, a correct and honest design cross section should include in one drawing existing dwellings and proposed development for following:

- Existing houses at **No. 19 / 21 / 23 / 25 / 27 Eveswell Park Road**
  - Ridge height
  - Finished floor level
  - Garden level
- Existing and proposed ground levels with backfill / cut clearly indicated
- Boundary line
- Retaining wall height
- Fence height
- Proposed dwelling (full height from basement to ridge with vertical dimensions and levels)

**Currently submitted sections omission – both proposed and existing dwellings**

- No neighbouring ridge lines
- No neighbouring window positions
- No indication of mutual overlooking or enclosure
- No comparison of human-scale perception from gardens or rear rooms

This omission is perceived as **not neutral** — it materially benefits the appearance of the proposal.



### 10.3. Visual Dominance from Neighbouring Gardens

When viewed from the rear of Eveswell Park Road properties:

- Retaining walls up to **3 m** form the first vertical plane
- 1.8 m fencing sits above this
- The proposed dwelling then rises further behind

This creates:

- a **continuous vertical barrier**, and
- a strong **sense of enclosure and loss of openness**, particularly harmful to bungalow-scale dwellings.

We would like to refer to **Policy H4 (Residential Amenity)** which is not being taken into an account.

### 10.4. “Higher Ground” reference misleadingly used

The drawings repeatedly rely on the phrase “*adjoining houses on higher ground*”.

Comments:

- Being on higher ground **does not remove amenity protection**
- Elevated neighbours experience **greater visual exposure** to tall structures
- Dominance is assessed by **relative mass and proximity**, not absolute ground level

Therefore, the argument implied by the drawings is **not a valid planning justification**.

### 10.5. Policy Interpretation (Visual Harm)

This visual relationship conflicts with:

- **Newport LDP Policy H4**  
→ Unacceptable overbearing impact and loss of outlook
- **Newport LDP Policy D1**  
→ Poor response to context and neighbouring scale
- **Placemaking Wales**  
→ Failure to demonstrate a positive relationship with existing communities

### 10.6. Visual core statement

*“If the neighbouring houses had been shown honestly in the sections, the proposal would clearly appear too tall, too close, and too dominant for its setting.”*

That is the core visual issue.

## 10.7. Request for additional review by LPA Should Require

Before any determination, the applicant, as a bare minimum, should be required to submit:

1. **Revised cross-sections** including Nos. 23, 25 and 27 Eveswell Park Road at their most impactful locations (currently omitted entirely or chosen in Developer's beneficial location)
2. Sections showing **full height from basement to ridge with dimensions in relation to existing dwellings**
3. A visual comparison from **garden and rear-window eye level**
4. Reduced height / reduced retaining structures if harm is identified

Absent this, we consider this application **not capable of lawful approval**.

## 11. Arboricultural Change and Privacy Impact – Technical Note

The Arboricultural Impact Assessment focuses correctly on tree health, safety and BS5837 compliance, but does not assess the planning consequences of tree removal on residential amenity, specifically privacy and screening.

### 11.1. Key Technical Observations

- T23 (Oak) and T29 (Western Red Cedar) are both identified for removal due to condition, not development necessity.
- These trees are located at points of maximum visual sensitivity between the application site and Eveswell Park Road dwellings.
- Their removal significantly alters the visual envelope of the development when viewed from existing gardens and rear rooms.
- No quantitative replacement (height, spread, maturity) is specified in the landscaping proposals.

The assumption that future planting will mitigate loss is not supported by any technical detail.

### 11.2. Required Technical Information (Absent from Submission)

To allow lawful determination, the Local Planning Authority would require:

- A privacy-focused planting plan, not a generic landscape schematic;
- Tree species selected for year-round screening (including winter effectiveness);
- Planting sizes at installation (e.g. heavy standard / semi-mature);
- A plan showing direct relationship to Nos. 21–27 Eveswell Park Road;
- A timescale to functional screening, with interim mitigation if necessary.

None of this information is currently provided.

### 11.3. Technical Conclusion

The removal of established trees without defined, secured replacement planting results in an unassessed and unmitigated loss of privacy for neighbouring residents.

From a technical planning and arboricultural interface perspective, the proposal fails to demonstrate that residential amenity will be preserved, contrary to Newport LDP requirements.