

Delegated Decision Report

Application No:	25/0543	Statutory Period Expires:	9th September 2025
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Site:	5 Glanwern Rise Newport NP19 9BS		
Proposal:	RETROSPECTIVE APPLICATION FOR RETENTION OF GARDEN ROOM AND RAISED PLATFORM (RESUBMISSION)		
Applicant:	J. Hussain		
Type:	Full	Ward:	Alway
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Planning permission was refused earlier this year for the retention of garden room and raised platform at the property with the reason for refusal relating to neighbouring amenity as follows:

01 The development, by reason of its scale, location, elevation and design, results in an unneighbourly, unsympathetic, unacceptable and overbearing addition to this domestic rear garden to the significant detriment of the privacy and general residential amenity of neighbouring occupiers and contrary to policies GP2 and GP6 of the adopted Local Development Plan.

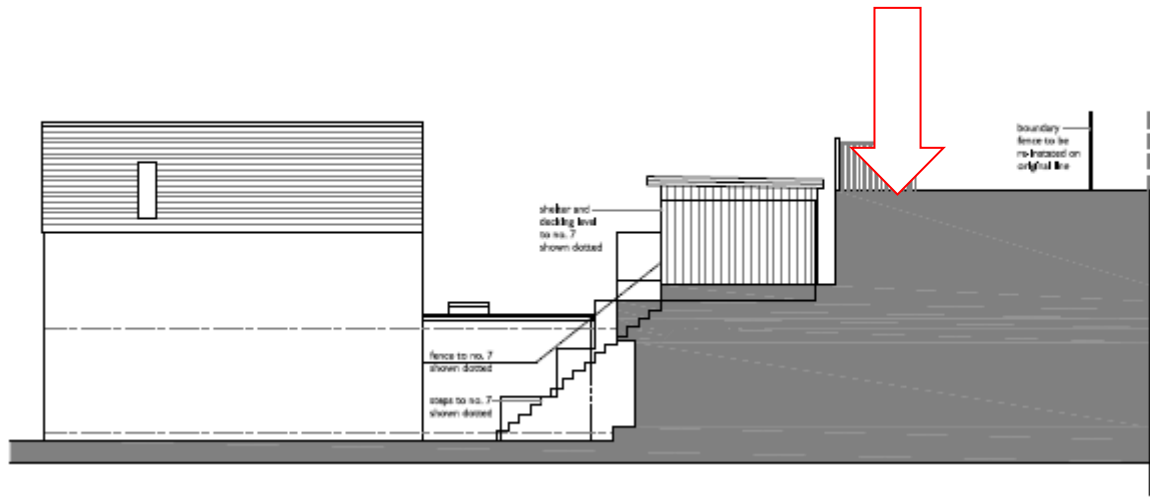
- 1.2 This application attempts to overcome the reason for refusal with changes to the levels and siting of the building.

2. SITE LOCATION AND CONTEXT

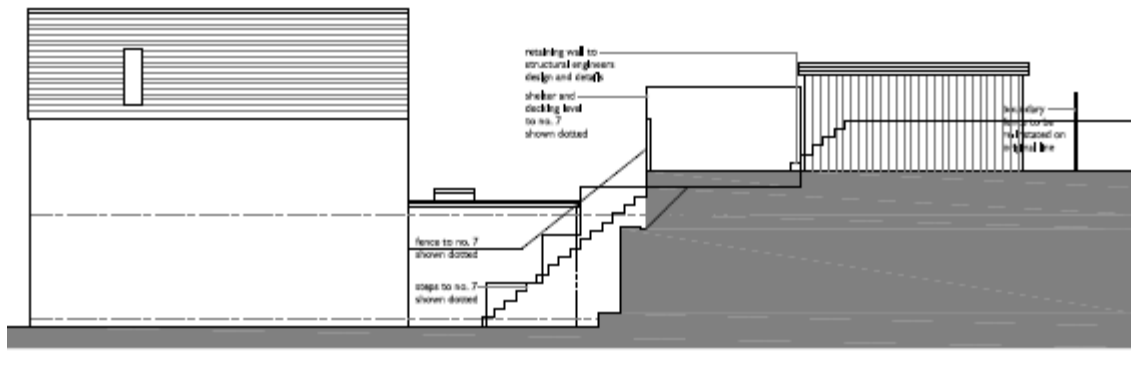
- 2.1 The site is located within the urban area in a residential area reached via Chepstow Road. The property and its neighbours are built into Lawrence Hill and subsequently the properties are elevated considerably higher than the road level and have steeply sloping rear gardens. The property is surrounded by neighbouring residential development with the exception of the rear where it backs onto woodland.
- 2.2 The plans show that prior to the development, the garden comprised two distinct decked areas enclosed by wooden balustrades and steps leading from the lower tiers. The property has been subject to a single storey rear extension.

3. DESCRIPTION OF DEVELOPMENT

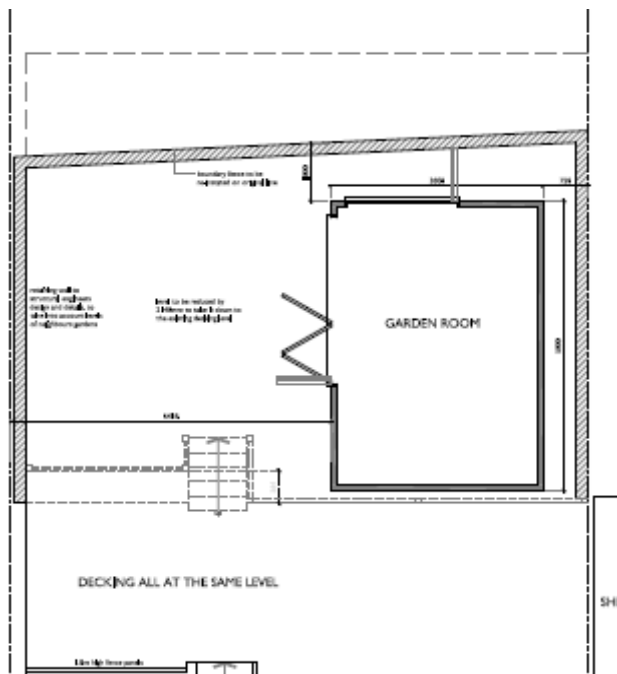
- 3.1 Under the previous submission it was noted that the garden room and platform have been constructed on an elevated section of the garden which is roughly level with the cill levels of the first floor windows in the rear elevation of the property. The garden room measures 5m in width, 3.6m in depth and 2.5m in height with a flat roof having an overhang and lights installed within that overhang. There are bi-fold doors in the south elevations leading to a raised platform measuring the full width of the building and approximately 1m in depth. The platform has a maximum height of approximately 1.3m with a glass balustrade above to a height of approximately 1m. There are glazed doors in the west elevation orientated towards the garden serving the property and towards the intervening boundary with no. 3 Glanwern Rise. A step has been constructed to gain access to the higher-level threshold of the garden room and the plans also show that this area has in part been raised by approximately 300mm. The development is finished in grey cladding with dark grey aluminium doors.
- 3.2 As noted above, it is proposed to re-position the garden room further back in the garden (away from the rear elevation of the host property) to an area currently raised above the level where the garden room is located and covered by decking. Section drawings accompanying the application show that the level of this area is currently just below the roof level of the garden room which is sited on a lower part of the garden. The extract from the section drawing below identifies the garden room with the decked level above indicated by the arrow.



- 3.3 The proposed section below shows the decked area reduced and the garden room relocated to this area. The plans are annotated to state the decking level where the garden room is to be sited is to be reduced by 2140mm.



- 3.4 The garden room would be sited so that the openings would be orientated towards the northern (rear) boundary of the garden and the western side boundary with no. 3 Glanwern Rise and there would be no openings in the eastern or southern elevations. This is illustrated on the floor plans extract below. The garden room would be set off the intervening boundary with no.7 Glanwern Rise by 750mm:



4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
18/0837	SINGLE STOREY REAR EXTENSION AND NEW RETAINING WALL AND ENGINEERING WORKS TO CREATE LEVEL AREA TO REAR OF HOUSE	GRANTED WITH CONDITIONS	6.03.2019
24/0928	RETROSPECTIVE APPLICATION FOR RETENTION OF GARDEN ROOM AND RAISED PLATFORM	REFUSED	16/01/2025

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 GP2 General Development Principles – 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 GP6 General Development Principles – 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 SUPPLEMENTARY PLANNING GUIDANCE

- House Extensions and Domestic Outbuildings

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 11th July 2025, a Site Notice was put up on 18th July 2025.

7.1 NEIGHBOURS: 4no responses received (two objecting and two supporting) and summarised below:

- I only support the proposal if planning will take into consideration my request the entire top level of decking is dropped to the same height as my garden for privacy reasons. Currently every level of number 5 decking is high and overlooks every aspect of my garden. I worry if I wanted to sell my house it would become a problem to potential buyers.
- I also agree the summer house is very bright. When the lights are used to their full potential my bedroom turns orange and it's like an alien spaceship has landed in my garden. Maybe planning permission could consider putting in a permanent light restrictions on the summer house to safeguard all new and old neighbours. This could simply be done by removing some of the spotlights on the outside of the summer house and could potentially save a lot of problems in the future.
- There are at least two incorrect statements. The application states that the works have not been started; that is obviously not the case. In addition, the application states that the room cannot be seen from a public footpath. There is a public right of way through the woodland at the rear of the properties on this side of Glanwern Rise, and the garden room is clearly visible from that pathway. At some point over the last few years the applicant has encroached onto land that is not his, in order to extend his garden to make up, I believe, the ground he lost when he built his kitchen extension, which allows for a line of sight from the footpath.
- The garden room is a large, permanent structure with an electricity supply. It is situated on an elevated terrace within the garden at No 5, which allows them an unfettered view onto my decking and also a line of sight to my back bedroom, therefore impacting on my privacy and my ability to comfortably use my own garden. I cannot see from the newly submitted plan whether the applicant intends to drop the height of the area on which the room currently sits, and/or whether he will alter the access to the room and potentially remove the balcony at the front of the garden room, both of which currently allow overlooking into my garden, and obviously the entire of the back of my neighbour's house at No 7. The plans are not clear and do not, in my opinion, reflect the actual situation.
- I echo wholeheartedly the comments made by my neighbours at No 7, in relation to the issue of overlooking and also in respect of the parking concerns which we all share. When the garden room is in use, visitors do not park considerately. Parking on Glanwern Rise is at a premium, most properties having at least two vehicles each.
- The lighting is extremely bright.
- This is not the first time that extensive works to the property have been carried out without seeking planning permission and I hope that the Council will refuse this retrospective application, and ultimately issue an enforcement notice for removal of the structure.

- We were surprised not to be consulted prior to the submission of these new plans, especially as the applicant had previously discussed our comments with us and indicated there would be no appeal following the earlier refusal.
- We are concerned that the submitted drawings do not accurately reflect the current state of the garden room and balcony. It is unclear which aspects of the existing structure this retrospective application seeks to retain.
- The structure as it exists is substantial in both height and mass and is positioned only a few metres from our bathroom and bedroom windows. In its current state, it causes significant overlooking issues which has a considerable impact on our privacy.
- Should the application relate to a new or revised structure, the submitted drawings suggest a further increase in height, which would likely overshadow our garden, restricting sunlight specifically to well-established trees and shrubbery. This is likely to damage our plants and significantly alter the character of our garden, to which we dedicate considerable effort and resources into maintaining. The ongoing issue of overlooking would also continue to affect our enjoyment and use of our home and garden.
- The submitted plans do not appear to accurately reflect the site's topography. The top of our garden, including mature trees and plants, is located several feet lower than the decking at number 5, with the decking itself further set back from the property boundary. Additional structures atop this decking would result in a form that dominates the boundary and garden, creating an imposing presence both for us and potentially for other neighbours. The increase in height suggests that this structure may also be visible to the wider neighbourhood.
- There is a recurring pattern of development being carried out before the necessary planning consent has been obtained, and without adequate consultation with neighbours. Combined with inconsistencies and omissions in the current submission, this raises concerns about the reliability of the information provided and the overall transparency of the application. We are also concerned about the possibility of further unauthorised construction while the previously refused structure remains in place.

8. **ASSESSMENT**

8.1 **Residential Amenity:**

The House Extensions and Domestic Outbuildings SPG states that 'Development proposals that have a significant overbearing effect on neighbouring garden areas regardless of whether all other tests outlined in this SPG are met will be unacceptable. The Council will give consideration to the characteristics of the affected garden area including its size, orientation, likely usage, topography existing neighbouring development, screening vegetation and any other pertinent consideration when assessing overbearing effect'. Under the previous submission officers noted that owing to its significantly elevated height and its scale the outbuilding results in an imposing and overbearing development, to the detriment of neighbouring residential amenity in both their enjoyment of their homes and gardens. Furthermore, located approximately 1.3m away from the shared boundary with no 7 Glanwern Rise, subsequently the development allows direct views over the neighbouring garden from both the elevated platforms and also from the garden room itself by reason of the bi-fold doors. It also provides elevated views towards the garden serving no 3 Glanwern Rise by reason of the area that has been raised to the west of the building, which is large enough to be used as a sitting out area.

- 8.2 As a result of the proposed changes the garden room would be sited further away from the rear elevations of the host property and neighbouring properties. The outbuilding would be over 10m away from the rear of no.3 Glanwern Rise and approximately 9m from the nearest part of no.7. Furthermore, there would be no openings in the side elevation orientated towards the rear of the host property and neighbouring properties. Whilst bi-fold doors are proposed in the side elevation orientated over the garden of the host property and towards the side boundary with no.3 Glanwern Rise, there would be a distance of over 5m between the glazed doors and the intervening boundary and with a new 1.8m high boundary fence proposed to the intervening boundary, views of the neighbouring garden would be largely screened. It is considered that as a result of the proposed changes, namely the increased separation distances and reduction in the level of the structure, there would be no adverse

impact as a result of the garden room and the proposals are acceptable.

8.3 The layout plan indicates retaining walls to both side boundaries and to the rear garden boundary although no details of the retaining walls have been provided with the application. Such details could reasonably be required by condition and are necessary to ensure that the development is structurally sound, particularly in view of the level changes associated with the neighbouring properties.

8.4 Neighbouring objections have referred to the light levels associated with the use of the garden room. However, as a result of the re-siting of the room further away from neighbouring windows, the reduction in the levels and the change to its orientation light levels are likely to be reduced.

8.5 **Visual Amenity/ Character and Appearance;**

Being to the rear of the property the development is screened from views from the road to the front of the property and the development is not considered to result in an adverse impact to the visual amenity of the wider area from public vantage points. However, by reason of its elevated nature and design, it has an incongruous appearance, albeit with limited views from neighbouring properties, but nonetheless it is acceptable in design terms.

8.6 **Movement:**

Whilst a neighbouring objection has referred to increased parking demand due to the building being used for parties/gatherings, such uses are ancillary to the residential use of the main dwelling. The proposals do not alter the existing access or parking demand created by the property.

8.7 **Biodiversity:**

The application is accompanied by a Green Infrastructure statement which refers to bird and insect boxes to be installed. However, no specific details of the boxes and their siting have been provided and so it is considered that a condition requiring the submission of further details is warranted.

8.8 **Other Matters**

Neighbouring objections have referred to the encroachment onto land to the rear of the garden boundary by the applicant. However, this application does not relate to such matters and the plans refer to the boundary fence being reinstated on the original boundary line. Objectors also refer to the retrospective nature of the proposals and raise concerns about this. However, applications can be made retrospectively and must be duly considered in terms of their acceptability in the same way as if they were prospective.

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 garden room would be sited an acceptable distance from the rear elevations of neighbouring properties and as a result of this and the reduced level in the upper garden it would not result in an adverse impact in terms of privacy or amenity. Further information relating to retaining walls and boundary enclosures is required and can be secured by condition.

10.2 The application is granted subject to the following conditions.

11. **DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: PL10B.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

Pre- commencement conditions

02 Full details of the means of construction (including footing details), structural calculations, design and finishing materials to the retaining walls and boundary enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of its development. The wall shall be constructed in accordance with the details agreed and retained in that state thereafter.

Reason: In the interests of amenity and public safety and in accordance with policies GP2 and GP6 of the adopted NLDP.

03 Prior to the first beneficial use of the garden room, details of biodiversity enhancement including an implementation timetable shall be provided in writing to the Local Planning Authority. Following the LPA's written agreement the scheme shall be implemented as agreed and retained thereafter.

Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

04 Boundary Treatments: Prior to the commencement of development details of boundary treatments shall be provided in writing to the LPA. Following the LPA's written agreement the boundary treatments shall be installed as agreed prior to the first beneficial use of the revised decking area and the summer house and shall be retained thereafter.

Reason: in the interests of good design, visual amenity and the privacy of neighbouring occupiers. Policies GP2 and GP6.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PL01, PL10B, GIS.

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