

Delegated Decision Report

Application No:	26/0355	Statutory Period Expires:	2nd July 2026
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Site:	35 Waterloo Road Newport NP20 4FP		
Proposal:	PROPOSED RAISED PATIO, TIERED REAR GARDEN, PRIVACY SCREENING AND LANDSCAPING (PART RETROSPECTIVE)		
Applicant:	A Morgan		
Type:	Full	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is situated at the top of Waterloo Road and located on the Western side of the road. Opposite the host site to the East is the Grade II Historic Park, environmental space, Bellevue Park (PGW(Gt)19(NPT)). The park is also within Bellevue Conservation Area. The property is semi-detached, and the garden slopes downward away from the house. This is characteristic of the area.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks retrospective consent for works to a tiered garden (2 tiers) including a raised patio to the rear garden of the property and proposed landscaping. No works are proposed to the bottom tier. The application also proposes a 1.8m fence from ground level along the Southern shared boundary and privacy screening in the form of trellising on the Northern boundary. An apple tree and fig tree have been removed from the middle tier and a conifer and dogtree have been removed from the upper tier next to the dwellinghouse. The applicant proposes landscaping on the middle tier and lower level of the garden including trees, shrubs, and ornamental plants.

Top tier (closest to dwellinghouse):

H: 1.1m

W: 9.8m

D: 11.4m

Middle Tier:

H: 1.3m

W: 9.8m

D: 9.1m

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.

6.4.42- Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

5.3 Technical Advice Note

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 12: design

Technical advice note (TAN) 24: the historic environment

5.4 The Historic Environment Act Wales 2023

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)

Policy GP4 (Highways and Accessibility)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

Policy CE7 (Conservation Area)

Policy SP9 (Conservation of the Natural, Historic and Built Environment).

5.6 SUPPLEMENTARY PLANNING GUIDANCE

House extensions and domestic outbuildings SPG

Wildlife-and-development-SPG

6. CONSULTATION RESPONSES

6.1 Heritage Officer:

No concerns from my perspective - the site is to the rear of the property, meaning it is virtually unseen from Stow Park or Belle Vue Conservation Areas.

There will be no impact upon their setting (or the setting of listed assets within the park).

6.2 Landscape Officer:

It is noted that this is a part retrospective application. Some photos of the current state of the rear garden should be submitted. There also appears trees to be on site which

could be adversely impacted by the landscape works. I would therefore refer this to our tree officers. In terms of landscape detail this scheme is acceptable.

6.3 Ecology Officer: No comments received.

6.4 Tree Team:

Arboricultural Remarks.

Trees and shrubs occur within the garden and on adjoining land. The proposals include ground level changes as part of the landscaping works, which can be detrimental to tree roots. For this reason the following is required: -

Tree Survey and Tree Constraints Plan (TCP)

In accordance with BS5837 Trees in relation to design, demolition and construction – Recommendations (2012), a Tree Survey and Tree Constraints Plan must be submitted with the application, to include all trees, shrubs or hedges on the site, and within 15m of the site boundary (i.e. within potential influencing distance).

The tree survey must clearly show crown spreads and Root Protection Areas, which must then be considered as a constraint to development. The stumps of felled trees or shrubs must be indicated on the TCP with a cross.

Integration with Design Layout

Any proposed design layout submitted must have the TCP accurately overlaid, showing crown spreads, RPAs and tree

numbers, to demonstrate how arboricultural constraints have informed the design.

Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement (AMS)

Following the above, a combined AIA/AMS with a Tree Removal, Retention and Protection Plan will be required. This must assess the impact of the proposal on retained trees and set out how these impacts will be avoided, reduced or otherwise managed. Depending on the findings, a redesign may be necessary.

Standards and Competency

All arboricultural reports must strictly follow the specifications of BS5837:2012 and must be undertaken by a suitably qualified and experienced arboriculturalist .

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7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 15/05/2026.

7.1 4no. neighbours were consulted. No comments received.

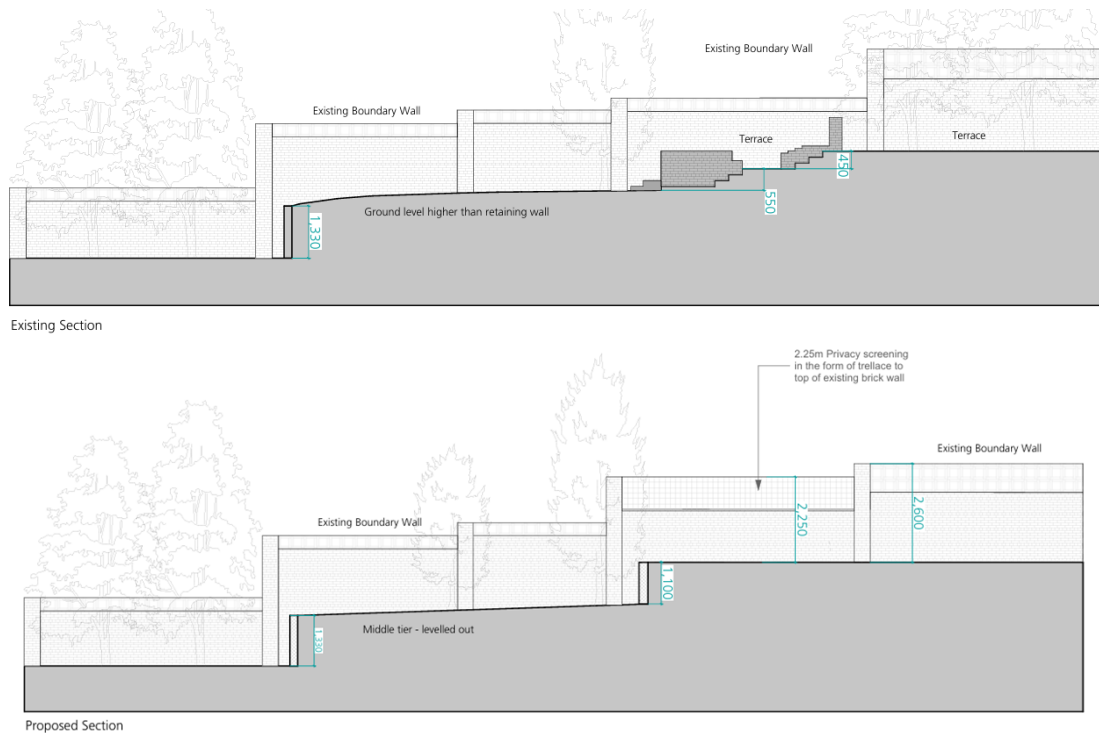
8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development, and the efficient use of land is encouraged.

8.2 Visual Amenity/ Character and Appearance

8.2.1 In assessing the development, it is noted that the garden previously featured a degree of tiering. The proposed works rationalise this arrangement by levelling off the middle tier and creating a larger, level upper patio area. The bottom level is not being changed.



8.2.2 Paragraph 5.5.1 of the *House Extensions and Domestic Outbuildings SPG* states that, in common with any extension, a raised amenity space should relate sympathetically to the existing building and surrounding context in terms of its size, design, and materials. In this case, the overall scale of the development is considered appropriate, particularly given that ground levels fall away towards the rear of the site and that some form of tiered arrangement already exists. The proposed reconfiguration would not appear overbearing, and the tiered design enables more effective and practical use of the garden and amenity space. The tier heights do not appear over scaled in this location. The materials proposed, including patio surfacing, lawned areas, fencing, and landscaping, are typical of residential garden settings and contribute to a coherent and visually acceptable scheme. The incorporation of landscaping further softens the development and supports a more natural appearance. This is discussed later in the report. Overall, the scheme accords with Policy GP6.

8.2.3 The application site is also opposite Belle Vue Conservation area and Bellevue Park which is a Grade II listed park. Therefore, development should be sympathetic to the built environment and should either preserve or enhance the setting. The Heritage officer was consulted on the scheme and states there are no formal objections. The site is to the rear of the property, meaning it is virtually unseen from Stow Park or Belle Vue Conservation Areas. There will be no impact upon their setting (or the setting of listed assets within the park). Therefore, this is in line with Policy SP9, The Historic Environment Act Wales 2023 and TAN24.

8.3 Residential Amenity

8.3.1 In accordance with paragraph 5.5.1 of the SPG, raised amenity spaces that significantly reduce natural light, perceived space, or privacy for neighbouring habitable rooms or rear gardens are not considered acceptable. Along the southern boundary, a 1.8m-high fence has been erected, which is considered acceptable as it prevents direct overlooking into the neighbouring garden. In relation to the northern boundary, an existing brick wall is currently in situ, although some overlooking is presently possible over this wall. The applicant proposes additional measures at the

upper tier to include trellising to the existing boundary wall to a height of 2.25m to limit views. Given the land level is higher at the neighbouring property to the North, this is deemed appropriate and would not create an overbearing impact. This will be secured via condition. Furthermore, the proposal is not expected to result in any significant loss of light to neighbouring properties. There is a property to the rear of the garden. It appears there is a low boundary wall in situ, and whilst views potentially could be afforded into the neighbouring garden from the lower level, this is an existing situation, and this ground level is not being raised or altered. Overall, the development is considered to comply with Policy GP2.

8.4 **Movement**

- 8.4.1 The applicant has removed a garage to the rear for the development, however, there is no condition which requires the need to retain this. Therefore, this is deemed acceptable.

8.5 **Biodiversity**

- 8.5.1 PPW12 states in paragraph 6.2.12, *A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.* The applicant has not provided a breakdown of the scheme in line with each step of the stepwise approach, however, given the scale of development, the applicant has provided enhancement schemes and mitigation measures which is discussed next and this is deemed acceptable in this instance.

- 8.5.2 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. The proposed landscaping strategy introduces opportunities for additional planting, including low-level shrubs and climbers along boundary treatments, which will enhance habitat potential for pollinators and small urban wildlife. Given the scale of development, the proposal is compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

8.6 **Landscaping/ Trees**

- 8.6.1 The applicant has removed 4no. trees as part of the development. The conifer and dogtree adjacent to the property, and a fig and apple tree have also been removed as part of the development from the middle tier. The ground works have already been undertaken. The tree team were consulted on the application and state that they require further surveys including a tree survey and constraints plan, and AMS with a Tree Removal, Retention and Protection Plan. On assessment of their comments, the trees have already been removed and levels created. The trees are not protected, and the species are not of high ecological value. Therefore, the surveys are not required in this instance. It is also noted that these trees are situated to the rear garden and are not highly visible from Bellevue Park and surrounding conservation area. When

assessing the impact against the preserve or enhance test, the removal of the trees would have a neutral impact given the siting and scale. However, given that 4no. trees have been removed, PPW12 states, *6.4.42- Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.* Given the scale of development, the siting in the back garden, and the low ecological value of the trees removed, it would be appropriate to state a ratio of 1:1. For every tree removed, another should be planted. Therefore, this will be required via condition.

- 8.6.2 The landscaping team were also consulted on the application and have reviewed the proposed landscaping scheme submitted by the applicant. They have no objection to the scheme.

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 Overall, the proposed garden reconfiguration is considered acceptable in terms of visual impact, residential amenity, and policy compliance. The revised tiered layout is proportionate, integrates appropriately with the site's levels, and uses typical materials that maintain the character of a residential garden. There are no adverse impacts on heritage assets, neighbouring amenity, or highway considerations. While tree removal has occurred, this is of limited significance and can be adequately mitigated through replacement planting secured by condition. The scheme also incorporates appropriate landscaping and biodiversity enhancements, and is therefore compliant with relevant local and national planning policies.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 202 Existing and Proposed Section 2; Landscape Plan; 201 - Existing/Proposed Floor Plans; 200 - Site Location Plan.; Site Photographs; Green Infrastructure Statement.; Planning Statement

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

02 Within 6 months of the date of this decision, written approval of the Local Planning Authority is required to a scheme of compensatory tree planting for the site (indicating the number, species, the height and position of the tree). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter the trees, grasses and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, the planting season shall mean the period of October to March inclusive.

Reason: To secure the satisfactory implementation and maintenance of the soft landscape scheme in the interests of residential and visual amenity and rural character having regard to policies SP5, GP2 and GP6 of the adopted Newport Local Development Plan.

03 Prior to the first beneficial use of the tiers hereby approved, the privacy trellising detailed on plan no.: *202 Existing and Proposed Section 2* shall be erected and maintained for the lifetime of development.

Reason: To ensure privacy is maintained in accordance with Policy GP2.

04 The biodiversity enhancement scheme shall be implemented in accordance with the approved plans: *Green Infrastructure Statement; Landscape Plan* prior to the first beneficial use of the development hereby approved and retained as such for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, CE7, SP9 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.