

Delegated Decision Report

Application No:	26/0133	Statutory Period Expires:	15th April 2026
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Site:	34 Enville Road Newport NP20 5AD		
Proposal:	ENGINEERING OPERATION TO RAISE THE LEVEL OF THE REAR GARDEN AND ERECTION OF A NEW BOUNDARY FENCE (RETROSPECTIVE)		
Applicant:	G Vaicilius		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The application has been submitted retrospectively after enforcement case E25/0074.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a two storey detached dwelling located in the Allt-yr-Yn ward, on Enville Road a residential street within the defined settlement boundary. The property benefits from a private rear amenity space. To the rear of the property, there is a lane that is accessible from Nant Coch Drive.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks consent to raise the ground level within the rear garden, an area that was previously used as hardstanding. The land has been raised to align with the existing sloping garden and incorporates a retaining wall measuring 950mm above the original ground level on one side of the development. Due to the downward sloping topography, the retaining wall reaches a height of 1300mm above the original level at its highest point. The raised area measures 5.9m in width and 5m in depth. In addition, a 2.1m high fence has been installed on top of the raised area and a 2.3m height fence and gate has been erected to the North side elevation of the existing garage.

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.

- 5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP2 - General amenity. There will not be a significant adverse effect on local amenity,

including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality

GP4 - General Development Principles. Highways and Accessibility states that development shall only be permitted if it is not detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network

GP6 - Quality of design. Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

The 'House Extensions and Domestic Outbuildings' Supplementary Planning Guidance (SPG) (Adopted January 2020) is relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

*We would request that if you are minded to grant Planning Consent for the above development that the **Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets*

6.2 Local Highways Authority:

The changes result in the loss of rear parking. This is supported as the site and lane do not have sufficient visibility.

7. PUBLIC REPRESENTATIONS

- 7.1 Neighbour and Ward member notification letters were sent on 26.02.26. One comment received which objected to the application. The main concerns were the ownership of land the proposal is constructed on and the right of access on the lane.

8. ASSESSMENT

8.1 Principle of Development:

- 8.1.1 The application site comprises of an existing residential dwelling within the defined settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. As the property is existing there is a presumption in favour of development incidental to the enjoyment of the dwellinghouse, accordingly, no objection is raised to the principle of the development.

8.2 Visual Amenity/ Character and Appearance:

- 8.2.1 The application is seeking consent for engineering works to the rear of the garden that will result in raising of the level and a proposed fence to be construction on the raised area. As a result, the proposal will be readily visible from the lane that runs to the rear of the property and will impact upon the amenity or character of the area. However, given the current street scene of the lane, the positioning and scale of the development it is not considered to result in a significantly different impact that would be harmful to the amenity or character of the area. Furthermore, externally the retaining wall is to be constructed of concrete block, and the fence is to be a wooden feather edge panelled fence, resulting in a coherent visual impact. The proposal is considered to comply with the requirements of LDP Policy GP6 and the adopted Householder Extensions SPG.

8.3 Residential Amenity:

- 8.3.1 The 'House Extensions and Domestic Outbuildings' SPG advises that a raised amenity space which significantly reduces natural light, perceived space or privacy in neighbouring habitable rooms or back gardens will not be acceptable. In this case the proposed raised area will be situated to the rear of the property, situated with significant offset from the

dwelling and neighbouring dwellings. Furthermore, the raised platform measures a maximum 1.3m above the existing ground level and therefore does not adversely affect the natural light of the neighbouring properties.

- 8.3.2 The proposed raised patio has resulted in the formalisation of an elevated area of the rear garden, resulting in the area being used more intensively and due to its height and relationship with the adjoining property has creates vantage points allowing a greater amount of overlooking into the neighbouring property, as a result, the proposal has incorporated mitigation. The SPG notes that privacy screen can help reduce overlooking, provided they are large enough to prevent a material loss of privacy yet small enough not to render a structure obtrusive or unsightly. Accordingly, the proposal includes a 2.1m high fence along the rear elevation as well as this, the north and south side elevations to maintain neighbour privacy. As a result, the proposed development is considered to be acceptable avoiding any unacceptable impact in respect of outlook, overbearing or overlooking impact and therefore in accordance with Policy GP2 of the LDP.

8.4 **Movement:**

- 8.4.1 The Local Highways Authority was consulted on the application and stated no objection as while the proposal would result in a loss of rear parking, the current site and lane does not have sufficient visibility. Therefore, the proposal is deemed acceptable.

8.5 **Biodiversity:**

- 8.5.1 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. 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. In this case no enhancement has been proposed, therefore a condition requiring a biodiversity enhancement shall be attached to any consent requiring details to be submitted to and approved by the Local Planning Authority.

- 8.5.2 In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance

8.6 **Responses to Third Parties:**

- 8.6.1 Dwr Cymru Welsh Water was also consulted on the application, and no objection were raised in principle.
- 8.6.2 A comment has been received from a neighbouring occupier who raised concerns that the application conflicts with the right of way/passage along the lane and easement to the rear lane. This has been considered as part of the application however, the red line boundary submitted shows the land is within the ownership of the applicant as confirmed by the applicant/the signing of Certificate A in the application form and any conflict with easements/rights of passage along the land this is a civil matter and therefore given limited weight in the assessment and determination of this application as such matters fall outside the remit of the Town & Country Planning Act.

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 development has been thoroughly assessed against relevant local and national planning policies and found to be compliant. It is considered not cause unacceptable harm to residential amenity. Therefore, the proposal is recommended for approval, subject to appropriate conditions.

11. **DECISION
GRANTED WITH CONDITIONS**

1. The development shall be implemented in accordance with the following plans and documents: Site Location Plan, Proposed Site Plan GV 02, Proposed Elevations GV 04
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
2. Prior to the commencement of development, details of a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be implemented in accordance with the approved plans 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).
3. The fencing as shown on approved plan, Proposed Elevations GV 04, shall be installed and maintained in accordance with the approved details and maintained as such in perpetuity.

Reason: To ensure the development is completed in a manner compatible with its surroundings and to protect the living conditions of neighbouring occupiers.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Proposed Site Plan GV 02, Proposed Elevations GV 04

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