

Delegated Decision Report

Application No:	25/0642	Statutory Period Expires:	25th May 2026
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Site:	78 Brynglas Drive Newport NP20 5QS		
Proposal:	ERECTION OF PERGOLA (RETROSPECTIVE)		
Applicant:	T Kalasnykovas		
Type:	Full	Ward:	Shaftesbury
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 78 Brynglas Drive is a two-storey terraced dwelling located in the Shaftesbury ward. The property forms the penultimate dwelling in a row of 6no terraced properties. Due to the topography, the land slopes away to the rear.

3. DESCRIPTION OF DEVELOPMENT

3.1 Retrospective planning permission is sought for the erection of a pergola. The pergola measures 4.4m in depth, extending from the rear elevation of the dwelling, 5.5m in width, spanning the full width of the rear elevation and a maximum of 3.9m in height from the ground level and 3.4m from the patio level. The structure comprises a skeletal structure, with 4no timber posts along the southeastern edge of the existing patio and a tiled lean-to roof. The structure has 2no black downpipes along the 2no edge posts for drainage. Whilst referred to as a pergola, the development is more akin to a veranda comprising a covered outdoor amenity area comprising raised decking.

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)

Policy GP2 – 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 GP5 – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 – 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 (ADOPTED JANUARY 2020)

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 18.11.2025

7.1 NEIGHBOURS: 5no neighbours were consulted. No representation received to date.

8. ASSESSMENT

8.1 Visual Amenity/ Character and Appearance;

The House Extensions and Domestic Outbuildings Supplementary Planning Guidance states that 'wherever possible, extensions should be built on the rear or least important elevations of properties, and the size and form should be appropriate to the main building and the space around it'. The development is sited on the rear of the dwelling and would span the full width of the rear elevation. The rear elevation is not visible from the public realm although views would be afforded from the first-floor level windows of the property's downslope of the dwelling (nos.22 – 30 Brynglas Drive) and immediate neighbours. The development extends 4.4m in depth, beyond the footprint of the existing rear patio and has a maximum height of 3.9m. Given the significant scale of the development located at the highest point of the rear garden, it is a dominant feature that appears incongruous and out of scale with the host dwelling and its neighbours. The ranch style design and timber supports, deep plan and roof-underside timber cladding with large overhang, along with the plastic sheeting along part of the side boundary, contribute to a poor quality design that is jarring and unsympathetic to the host dwelling and its neighbours. Although situated on the rear elevation, it is open to widespread views from neighbouring residents on all boundaries and views from Brynglas Drive.

8.2 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance also states that 'a house extension [or development] should relate sympathetically to the existing building and the surrounding area'. The development does not respond positively to local context and is harmful to visual amenity. It is therefore contrary to Policy GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

8.3 Residential Amenity:

Policy GP2 (General Amenity) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that development will be permitted where; 'There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality'. As forementioned, the pergola comprises a skeletal structure, meaning that no walls occupy either of the side boundaries. Nevertheless, the development introduces a solid roof elevated above the boundary fencing, right upon each of the shared side boundaries. The development creates an increased sense of enclosure when viewed from neighbouring gardens and windows and is notable in both height and depth. It covers a large area of raised patio thereby facilitating intensification of its use. The patio allows views through and over existing boundary enclosures, hence the addition of plastic sheeting on one side to act as a screen. It

appears overbearing and oppressive from both no.76 and no.80 Brynglas Drive as is located adjoining and significantly above intervening boundary treatments and very close to habitable room windows. Whilst extensions alongside boundaries are permitted development, this development is of excessive depth and falls outside the parameters of the Order. It is unneighbourly and of significant harm to the living conditions of adjacent occupiers, contrary to Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

- 8.4 The development is 7.6m from the rear boundary which is shared with no.26 Brynglas Drive and 25m from the dwelling. Given the separation distance, it is considered that it does not adversely impact residential amenity of the nearest properties downslope of the development site.

8.5 **Biodiversity:**

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. No ecological enhancement is proposed as part of the development however, it is considered that this could be secured by planning condition.

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 By reason of its scale, siting and location, the proposed development represents an unacceptable and incongruous development to the detriment of the appearance of the host property and the residential amenity of neighbouring occupiers. This is not in accordance with Policies GP2 and GP6 of Newport Local Development Plan 2011 – 2026 (Adopted January 2015) or the Councils adopted SPG on House Extensions.

11. DECISION

REFUSED

01 The development, by reason of its scale, design and location, is unneighbourly and overbearing and significant harm to the amenities of neighbouring occupiers at nos.76 and 80 Brynglas Drive. This is contrary to Policy GP2 and GP6 of Newport Local Development Plan 2011-2026 (Adopted January 2015) and the adopted House Extensions and Domestic Outbuildings SPG (Adopted January 2020).

02 By reason of its scale, location and design, the development has a significant adverse impact upon interests of acknowledged importance, namely visual amenity and the character and appearance of the host property and wider area. This is contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015) and the House Extensions and Domestic Outbuildings Supplementary Planning Guidance.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PERGOLA VIEW FROM REAR 1;50, Revised Site Location Plan, Pergola Side Elevations, Floor Plan, Block Plan, Side Elevation.

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.