

Delegated Decision Report

Application No:	26/0433	Statutory Period Expires:	18th September 2026
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Site:	34 Grove Park Drive Newport NP20 6YE		
Proposal:	DECKING TO REAR OF PROPERTY		
Applicant:	W Wormald		
Type:	Full	Ward:	Malpas
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 An application for the installation of decking and associated works to the rear of the property was refused in July 2025 under application ref.25/0433. The reason for refusal was:

"01 By reason of its location, height, scale and design, the proposed decking is an unneighbourly form of development that has a significant adverse effect upon the privacy and amenity of occupiers at no.33 Grove Park Drive. This is contrary to policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015)."

2. SITE LOCATION AND CONTEXT

- 2.1 34 Grove Park Drive is a part two-storey, part three-storey detached dwelling located at the end of a cul-de-sac in the Malpas ward. To the rear of the site is an area designated as a SINC (semi-natural recent woodland) and a historic park/garden (Gardens of Bryn Glas House). It is elevated compared to its neighbour to the east (no.33).

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The property is a detached dwelling with a reasonably sized rear garden. There is an existing patio across part of the rear of the dwelling before the land slopes down towards the neighbouring property, no.33. The proposed decking would extend from the existing patio, measuring a depth of 3.6m from the rear elevation of the dwelling and would extend across the remainder of the rear elevation of the dwelling for a width of 5.2m. From the existing ground level, due to the sloping nature of the garden, the decking would vary in height from 1m to 2.6m above existing ground level. Along the eastern edge of the deck, a 1.8m green wall is proposed. This will consist of a planter, set within integrated seating with a wire mesh fence to a height of 1.8m along the eastern edge of the deck and with a small return along the southern edge of the deck. The planting will grow up the mesh fence to create the green wall. The remainder of the southern edge of the deck would have a standard 1.1m handrail of similar construction to the taller elements along the eastern edge of the deck. Associated works are also proposed including retaining walls and steps.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
26/0127	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED REAR EXTENSION	GRANTED	21.05.2026
25/0433	INSTALLATION OF DECKING TO THE REAR OF THE PROPERTY AND ASSOCIATED WORKS	REFUSED	31.07.2025

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)

- GP2 – General Amenity
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE4 – Historic Landscapes, Parks, Gardens and Battlefields
- CE8 – Locally Designated Nature Conservation and Geological Sites

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- House Extensions and Domestic Outbuildings SPG

6. CONSULTATION RESPONSES

6.1 LANDSCAPE OFFICER

No objection.

6.2 STRUCTURES

No response received to date.

6.3 CADW PARKS & GARDENS: Having carefully considered the information provided, we have no objection to the proposed development in regards to the registered historic park and garden.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 12.06.2026.

7.1 NEIGHBOURS: 6no neighbours were consulted. No representations have been received to date.

8. ASSESSMENT

8.1 In relation to a raised amenity space, the House Extensions and Domestic Outbuildings SPG states that a raised amenity space should relate sympathetically to the existing building and the streetscape by virtue of its size, design and materials. A raised amenity space that substantially reduces natural light, perceived space or privacy in neighbouring habitable rooms or back gardens will not be acceptable. In some cases, privacy screens can reduce the degree of overlooking that neighbours experience in their homes and gardens. They should be large enough to prevent a material loss of privacy yet small enough not to render a structure obtrusive or unsightly.

8.2 Residential Amenity:

Both the application property and the neighbouring property (no.33) are detached properties set in from their shared boundary. There is an existing hedge running along the shared boundary. The proposed decking would be set in approximately 3.3m from this shared boundary. The application property is sited at a higher level than the neighbouring property at no.33 but lower than no.38. Due to the changes in level and the boundary hedge, there is

little mutual overlooking between the gardens or outdoor living spaces at present. A 1.8m green wall with steel mesh guarding¹ is proposed along the eastern edge of the deck. This green wall would act as a privacy screen between no.34 and no.33 Grove Park Drive and has been proposed in response to the Council's previous concern regarding privacy and overlooking towards no.33 under application ref.25/0433. The screen is designed to support a living "green wall", providing a permanent, planted barrier that physically prevents direct overlooking from the deck towards the garden and rear elevation of no.33, while also delivering some biodiversity and green-infrastructure benefit.

- 8.3 Under application ref.25/0433, it was noted that while a privacy screen can be used to reduce the degree of overlooking, it would need to be large enough and high enough to prevent a loss of privacy but small enough to not result in an overbearing structure. It was considered if a privacy screen were to extend down the entire side of the decking closest to no.33, it would have a depth of 3.6m and would be clearly visible as rising above the intervening hedge. It was subsequently considered that a privacy screen would represent a prominent feature and whilst its offset would mitigate impact to some extent, the presence of the elevated platform, with or without a privacy screen and so close to the shared boundary would be unneighbourly and facilitate wide ranging views of the neighbouring lower-level garden spaces.
- 8.4 The previous reason for refusal stated that the development would be an unneighbourly form of development that would have a significant adverse effect upon the privacy and amenity of occupiers at no.33 Grove Park Drive. It is worth noting that no privacy screen was proposed under the application and the absence of privacy screening measures would have been given significant weight in the assessment. This proposal addresses the issue of overlooking through the introduction of a 1.8m privacy screen along the eastern edge of the deck. The previous application also noted that the erection of a privacy screen so close to the shared boundary would be unneighbourly. This judgement was based on the development being set in 1.5m from the shared boundary, whereas the deck proposed under this scheme would be set in 3.3m.
- 8.5 Following the previous refusal, an application was submitted (ref.26/0127) which sought to confirm by means of a lawful development certificate that a two-storey rear extension at the property constitutes permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Under the provision of the GDPO 1995, an extension measuring 3m in depth from the existing rear elevation, 5.4m in width and up to 4.8m in height at the eaves (measured from the lowest ground level) and 5.3m at the ridge could be erected 2.7m from the shared boundary with no.33 Grove Park Drive.
- 8.6 Having regard to the provision of the GDPO and the fact that the applicant could, at will, erect a two-storey extension of a more significant scale when compared to the development before me, it is considered that the proposed deck would have a lesser effect on the amenity of no.33 Grove Park Drive by comparison. Firstly, in terms of overbearing effect the two-storey extension would introduce a larger, more solid and dominant structure closer to the boundary which, at its highest point, would reach between 4.8m and 5.3m in height 2.7m away from the shared boundary. By contrast, the proposed deck would be set in an additional 600mm from the shared boundary and would reach up to a maximum height of 4.3m to the top of the proposed green wall. Secondly, in terms of privacy and overlooking, it is acknowledged that the ground-floor accommodation of the permitted extension would have an almost entirely glazed rear elevation, providing views over the rear garden of no.33. The level of overlooking from the proposed deck would be equivalent and would not go over and above what could be achieved from the rear facing windows of the extension.
- 8.7 In conclusion, having regard to the increased separation distance of 3.3m from the shared boundary and the proposed 1.8m green wall/privacy screen, it is considered that the scheme has been amended to satisfactorily address the concerns that led to the refusal of application ref. 25/0433. The proposed privacy screen would effectively prevent direct overlooking towards the garden and rear elevation of no.33 Grove Park Drive, whilst the increased boundary offset reduces the prominence and perceived impact of the structure when viewed
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from the adjoining property. Moreover, significant weight has been given to the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) whereby a substantially larger form of development, in the form of a two-storey rear extension, could be erected under permitted development rights in closer proximity to the shared boundary. When assessed in this context, the proposed decking and associated screening would not result in an unacceptable loss of privacy, an overbearing impact, or a significant adverse effect on the residential amenity of the occupiers of no.33 Grove Park Drive.

8.8 **Visual Amenity:**

A raised decking including associated works are proposed. The decking would be 5.2m wide and 3.6m deep at a maximum height of 4.2m to the top of the proposed green wall. The decking would be accessed from existing ground floor patio doors in the rear elevation of the dwelling. A 1.1m high balustrade is shown down the side and across the front of the decking. The outer face of the decking would be clad with deck boards. A door is proposed in the side to provide access into the storage area below the raised decking. A number of retaining walls are proposed. The decking would extend off the rear elevation of the dwelling and would have limited visibility. The scale of the decking is considered appropriate in relation to the host dwelling and rear outdoor amenity space. The materials proposed are considered appropriate and are typical of materials used within gardens of residential properties. Overall, it is considered that the proposed development would not detract from the character and appearance of the host dwelling and the wider area and would not result in a harmful visual impact.

8.9 **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 LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. A living green wall and a Woodstone house martin nest are proposed as part of this development. These measures are considered sufficient to address the requirements and implementation will be secured through a suitably worded planning condition.

8.10 **Other matters:**

Although no comments have been received under this application, comments were received from a neighbouring occupier at no.38 Grove Park Drive under the previously refused application (25/0433). The same consideration applies as part of this application.

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 On balance, it is considered that the proposed deck, by virtue of its increased offset from the shared boundary and the incorporation of a 1.8m privacy screen/green wall, would not result in an unacceptable loss of privacy or an overbearing impact on the occupiers of no.33 Grove Park Drive. Furthermore, having regard to the fallback position afforded by permitted development rights, the proposal is considered to have an acceptable impact on neighbouring residential amenity and overcomes the reason for refusal associated with application ref.25/0433.

11. DECISION

GRANTED WITH CONDITIONS

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

- Proposed Deck Scheme
- Site Location Plan and Existing/Proposed plans
- Planning Statement
- Biodiversity Enhancement Scheme

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 Prior to the first beneficial use of the development hereby permitted, a comprehensive scheme for the installation, establishment, and long-term maintenance of a living green wall to provide privacy screening along eastern edge of the deck shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify species to be planted and include contingency for the death or failure to thrive of the greenwall and temporary measures to secure mutual privacy whilst the greenwall establishes itself or in the event it dies and needs to be replanted. The scheme shall be fully complied with for the lifetime of the development.

Reason: In the interests of the privacy and amenity of the occupants of the property and neighbouring occupants and in accordance with Policy GP2 of the NLDP.

03 Prior to the beneficial use of the rear deck hereby approved, the 1.8m privacy screen / green wall serving the eastern edge and return on the southern edge of the deck shall be provided and thereafter retained as approved for the lifetime of development.

Reason: In the interests of the privacy and amenity of the occupants of the property and

neighbouring occupants and in accordance with Policy GP2 of the NLDP.

04 Prior to the first beneficial use of the development hereby approved, the biodiversity enhancement scheme as detailed in the approved document 'Biodiversity Enhancement Scheme' and 'Proposed Deck Scheme' shall be undertaken in full and retained for the lifetime of development.

Reason: In the interest of biodiversity, in accordance with Policy GP5 of the NLDP 2011-2026.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Deck Scheme, Site Location Plan and Existing/Proposed plans, Planning Statement, Biodiversity Enhancement Scheme.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5, GP6, CE4 and CE8 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.