

Delegated Decision Report

Application No:	26/0564	Statutory Period Expires:	22nd September 2026
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Site:	5 Glanwern Rise Newport South Wales NP19 9BS		
Proposal:	S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 25/0543 RETROSPECTIVE APPLICATION FOR RETENTION OF GARDEN ROOM AND RAISED PLATFORM (RESUBMISSION). AMENDMENTS INCLUDE CHANGES TO STEP DESIGN, FENCING AND GENERAL LAYOUT		
Applicant:	J. Hussain		
Type:	Renewals and Variation of Conditions	Ward:	Alway
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 A complaint was received in 2023 that an outbuilding had been erected in the rear garden without planning permission. An enforcement case was opened and found that a breach of planning had occurred. Subsequently an application was received in 2024 (24/0928) for the 'retention of garden room and raised platform.' This was refused for the following reason;

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 A further planning application was received in 2025 (ref no.25/0543) that sought to alter the orientation and siting of the outbuilding. It proposed to reduce the level of the existing raised decking area at the rear by 2.14m, to the same level as the decking area in front, and to site the outbuilding on top of the reduced area. This application was Granted with Conditions August 2025.
- 1.3 The current S73 application has been submitted to lower the amount that the raised decking area was to be reduced, from 2.14m to 0.94m.
- 1.4 An Enforcement Notice was served in August 2024 requiring the outbuilding to be removed as well as the decking and raised platform it sits on.

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 As noted above, this application seeks to vary the plans in relation to the change in levels and repositioning of the outbuilding.
- 3.2 The original application approved the repositioning of the garden room further back in the garden to an area currently raised above the level where the garden room is located. It was proposed that the raised deck area would be reduced and the garden room relocated to this area. The plans showed that the decking level would be reduced by 2.14m.

- 3.3 The amended plans show that this decking area would be higher. Rather than being reduced by 2.14m, it would be reduced by 0.94m and therefore sit at a height of 1.2m above the level below it. The garden room would sit on this area, with the orientation being the same as approved.

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	06/03/2019
24/0928	RETROSPECTIVE APPLICATION FOR RETENTION OF GARDEN ROOM AND RAISED PLATFORM	REFUSED	16/01/2025
25/0543	RETROSPECTIVE APPLICATION FOR RETENTION OF GARDEN ROOM AND RAISED PLATFORM (RESUBMISSION)	GRANTED WITH CONDITIONS	21/08/2025

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
- GP6 - Quality of Design

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- House Extensions and Domestic Outbuildings

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 03/08/2026 and a Site Notice was put up on 07/08/2026.

7.1 NEIGHBOURS:

No.3 Glanwern Rise

- If this comment is correct and the top tier is not going to be lowered, I OBJECT. I'm happy

for No.5 to improve their garden, but not at the expense of mine. I would like one private space in my garden that isn't overlooked by No.5. I think that is a perfectly reasonable request. Planning permission has been passed for the other exceptional high tier.

- We were previously advised that the decking would be lowered to address the concerns raised in the earlier refusal, yet this current application makes no reference to that commitment. That omission is concerning and raises questions about the extent to which the proposal has been updated.
- My only concern is that the floor height remains exactly the same as it is in the approved previous plans OR only very slightly amended.
- The entire garden is already elevated and overlooks my whole garden. I sincerely hope this can be taken into consideration when amended plans are reviewed. I would just like one private piece of garden to safeguard my garden for now and the future.
- I was extremely grateful for your visit today, as it gave me a much clearer understanding of the situation. Having now gained that understanding, I confirm that I OBJECT.

No.7 Glanwern Rise

- The continued back-and-forth of retrospective applications over several years is becoming increasingly frustrating, particularly as we have had no direct communication with the applicants and have been unable to resolve these concerns through discussion.
- We wish to object to this third retrospective planning application for the garden room, balcony, raised platform, and proposed fence at 5 Glanwern Rise.
- This application appears to be largely the same as the proposals previously refused, with the addition of a fence which does not, in our view, materially improve the situation. We supported the council's earlier refusal and do not believe the current submission contains any meaningful changes that would justify a different outcome. The added 1.8metre fence on top of decking (not ground level) would increase the overall visual impact of the development and would make an already prominent structure appear even more dominant.
- We are also disappointed by the continued lack of consultation. Despite the number of previous applications and discussions, we have again had no prior warning or opportunity to comment before submission. The repeated retrospective applications have been frustrating and have left us concerned that insufficient regard is being given to neighbouring residents.
- We were previously advised that the decking would be lowered to address the concerns raised in the earlier refusal, yet this current application makes no reference to that commitment. That omission is concerning and raises questions about the extent to which the proposal has been updated. The drawing is dated July 2025 and is now over a year old, which suggests that the plans may not have been meaningfully revised and may not fully reflect the current position. The structure is already substantial and is positioned very close to our property, including our bathroom. When the garden room is in use, we feel overlooked both during the day and at night. While the addition of a fence may offer some screening, it would not address the underlying privacy concerns and would add to the sense of enclosure.
- We are also concerned that the proposed height may have an adverse effect on the mature plants at the top of our garden, which have been established over many years and are an important part of our outdoor space. This could harm the character of our garden and reduce its amenity value.
- Overall, the issues of overlooking, privacy, and overbearing impact remain unresolved. The development continues to affect our home and garden in a way that we feel is not adequately addressed by the current proposal. For these reasons, we respectfully ask the Council to refuse the application.
- The new submitted drawings do not appear to accurately reflect the development as it currently exists, particularly in terms of height, scale, levels, and position. In reality, the structure is significantly more prominent, elevated, and overbearing than shown.
- The current development already has a harmful impact on our privacy, outlook, and enjoyment of our garden. This harm was acknowledged by the council when a previous retrospective application was refused in January 2025 (application 24/0928).
- In addition, there is no clear or adequate reference in the application to the existing elevated balcony in front of the garden room, which already results in direct overlooking of our property. Moving the garden room further up the garden, to an even higher position, would exacerbate this issue and give the clear sense of being overlooked from multiple

angles across our home and garden.

- Taken together, the raised levels, fencing, balcony, and repositioned structure would result in an unacceptable overbearing impact and continued loss of privacy. The proposal does not appear to overcome the reasons for refusal of the earlier application.

No.9 Glanwern Rise

- I have viewed the plans provided by your planning officer, and I cannot see that there is any material difference to the original set. The garden room is large and overbearing at best; when it is in use, the lack of privacy affecting several properties, particularly Nos 3 and 7, and also myself at No 9, is a distinct issue. I reiterate my comments on the previous applications made and object most strongly to the granting of any permission for the structure.

8. ASSESSMENT

8.1 Residential Amenity:

- 8.1.1 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'.
- 8.1.2 There is an existing raised deck area at the back of the garden. The original application proposed to reduce the level by 2.14m, to make it the same level as the deck below it. Amended plans propose to reduce the level of the existing raised deck by 0.94m and it would therefore sit at a height of 1.2m above the level below it. The outbuilding is proposed to be sited in the same location, with the same orientation, albeit higher than that approved.
- 8.1.3 The garden room would remain to be re-sited further back into the site which would result in it being sited approximately 9m from the rear elevation of the dwelling. Whilst the re-siting of the outbuilding would result in its overall height being greater than it is currently, given the increased distances between the structure and residential dwellings as well as the orientation of the outbuilding, overlooking and overbearing would be reduced.
- 8.1.4 Due to the orientation of the garden room, the nearest elevation to the rear of residential properties would be blank. The bi-fold doors in the western elevation would face toward the boundary shared with no.3 Glanwern Rise at an approximate distance of 10m. A 1.8m boundary treatment is proposed along the boundary. This is considered high enough to provide a level of privacy whilst not being so high as to result in an overbearing structure. It is also considered necessary to erect a privacy screen along the return to prevent overlooking from the raised decking as well as restrict views from the bi-fold doors. These details have not been provided but can be conditioned.
- 8.1.5 The garden room would be sited 0.75m from the boundary shared with the other neighbouring property, no.7 Glanwern Rise. No openings are proposed in either the front or side elevation of the garden room facing toward the property, protecting privacy. Along the shared boundary, the neighbouring property no.7, has an outbuilding as well as an area of vegetation. Whilst the amended plans would result in the garden room being sited at a higher level than approved, owing to its siting at the rearmost part of the garden, adjacent to an existing outbuilding and vegetated area, with adequate amenity space being left undeveloped, it is considered that the proposed amendments would not result in a harmful impact on residential amenity by reason of overbearing impact.
- 8.1.6 On balance, in this instance, owing to the topography of the site and neighbouring properties either side, it is considered that the proposed amendments would not result in the development harmfully impact on the amenity of neighbouring occupiers by reason of loss of privacy or overbearing impact.

8.3 Visual Amenity/ Character and Appearance;

- 8.3.1 The works are contained to the rear and therefore are not visible from the road to the front of the property.
- 8.3.2 The design of the outbuilding would remain as approved and is therefore considered acceptable in design terms.
- 8.3.3 The altered decking area would remain to be a raised decking area, with the introduction of boundary treatments and privacy screens. Given its location, scale and design it is considered that these are visually acceptable and would not result in an adverse impact to the visual amenity of the wider area from public vantage points.

8.4 **Other Issues**

- 8.4.1 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.

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 proposed development is acceptable and accords with the relevant policies of the Newport Local Development Plan 2011-2026 (adopted January 2015).

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Plans and Elevations as Proposed Drawing No.PL10 Rev C.

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 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 their development. The works 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 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.

04 Prior to the first use of the decking hereby approved, a privacy screen shall be installed along the front (south-west edge) of the decking in accordance with details that shall first be submitted to and agreed in writing by the LPA. The approved screen shall be retained in that state thereafter.

Reason: To protect the privacy of neighbouring occupiers in accordance with policy GP2.

05 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).

06 No window or door openings other than as approved shall be formed in the garden room hereby approved without the prior written permission of the Local Planning Authority.

Reason: To protect the privacy and any perceived overlooking of adjoining residents in accordance with policy GP2.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Plans and Elevations as Proposed Drawing No.PL10 Rev C.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP4 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.