



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13.01.2026

Appeal reference: CAS-04558-D9J6Y2

Site address: Iona, Glasllwch Lane, Newport NP20 3PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr. R.J Dyer against the decision of Newport City Council.
 - The application Ref 25/0192, dated 11 March 2025, was refused by notice dated 19 June 2025.
 - The proposed development is the 1st floor rear extension, alterations to front bay and rebuilding of larger side extension.
 - A site visit was made on 20 November 2024.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the appellant, as stated on the appeal form, differs to that on the original application form. As the right to appeal is reserved solely for the original applicant, the appeal will proceed in the name of the applicant as stated on the original application form.
3. Whilst reason for refusal 1 refers to no. 33 Glasllwch Lane, the correct address of the neighbouring property to the rear is no. 33 Glasllwch View, and this is the address I have referred to in this decision.

Main Issues

4. These are the effect of the proposed development on: the living conditions of No. 33 Glasllwch View, having particular regard to privacy; and, biodiversity interests.

Reasons

Living Conditions

5. The appeal property is a large, detached dwelling positioned towards the rear of a generous plot. Its rear garden has a modest depth resulting in limited separation distance from the shared boundaries with neighbouring properties along Glasllwch View, particularly No. 33 Glasllwch View (no. 33) which is most closely related to the rear of the

appeal property. No. 33 sits on higher ground than the appeal property and its rear garden includes both elevated areas close to the dwelling and lower lying areas, particularly adjacent to the shared boundary with the appeal site.

6. The appeal scheme, a resubmission of previous application reference 24/0784, includes, amongst other things, a proposed upper floor rear extension above an existing single storey rear element. Whilst the footprint of the development would remain largely unchanged, the proposal would bring the upper level of the dwelling closer to the shared boundary with no. 33. This would introduce two large habitable room windows at upper floor level with a limited separation distance from the shared boundary with no. 33. This, combined with the difference in ground levels, would result in these windows sitting at a similar level to parts of no. 33's garden, allowing close-range and direct views into the rear garden. This would result in intrusive and unacceptable overlooking, causing a harmful loss of privacy for the occupiers of that property.
7. I acknowledge the presence of existing vegetation along the rear boundary of the appeal site, which provides some degree of screening. However, there is limited evidence to indicate this landscaping is capable of providing effective screening to the proposed first-floor windows. In any event, landscaping is not a permanent feature and, therefore, does not offer appropriate, long-term mitigation for the proposal's harmful effect on privacy.
8. The appellant has submitted several aerial images showing rear garden depths at other properties in the Newport area. However, no detailed supporting information has been provided, such as scaled plans with accurate dimensions or drawings showing relative ground levels. I am, therefore, unable to make meaningful comparisons. In any event, the existence of other potentially comparable developments would rarely be sufficient reason to permit something unacceptably harmful. I have, therefore, determined the appeal on its own rights. The appellant also suggests a similar rear extension could be constructed using permitted development rights. However, no cogent evidence of such a lawful fallback position has been provided. Therefore, I have assessed the proposal as submitted.
9. I conclude the proposed development would have a harmful impact on the living conditions of No. 33 in conflict with Newport Local Development Plan (LDP) Policy GP2 which states that development will be permitted where, amongst other things, there will not be a significant adverse effect on local amenity, including in terms of privacy.

Biodiversity Interests

10. LDP Policy SP1 requires proposals to make a positive contribution to sustainable development including, amongst other things, protecting and enhancing the natural environment. LDP Policy SP9 states that the conservation, enhancement and management of recognised sites within the natural environment will be sought in all proposals. LDP Policy GP5 permits development where, amongst other things, the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including protected habitats and species.
11. The appeal site comprises a large, well-vegetated plot, with mature hedging located in close proximity to the dwelling, and a large mature tree to the front of the property. During my site visit, I also observed vegetation at roof level of the appeal property, potentially within the gutters, and that the fascias appeared to be in a poor state of repair. Collectively, these features may be of biodiversity value, including providing potentially suitable habitat or roosting opportunities for bats.

12. The development would directly affect some of these features, namely the roof of the appeal property. Based on the limited information submitted, I cannot be certain of the biodiversity value of the site or whether the proposal would cause harm to biodiversity interests or if mitigation measures would be required. These concerns are reinforced by the Council's Ecology Officer's response to the planning application. The necessary ecological information cannot be secured via planning condition as it is required to determine whether the development as proposed is acceptable in principle. As such, it has not been demonstrated that there would be no harm to biodiversity interests, particularly bats. The provision of a single bat box does not alter this conclusion, especially in the absence of a baseline survey to establish whether such a measure would represent a genuine enhancement.
13. I conclude that the proposed development would have a harmful impact on biodiversity interests in conflict with LDP Policies SP1, SP9 and GP5.

Other Matters

14. I note the concerns raised by the appellant in relation to the Council's handling of the planning application, including in relation to pre-application advice received. However, such matters are not relevant to the planning merits of the case. I note the appellant's reference to the 25-degree rule; however, this relates to outlook, which is not a matter in dispute.

Conclusion

15. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

L Hughson-Smith

INSPECTOR