

Delegated Decision Report

Application No:	26/0415	Statutory Period Expires:	28th July 2026
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Site:	34 Bryn Bevan Newport NP20 5QH		
Proposal:	RETROSPECTIVE PLANNING PERMISSION FOR A RAISED DECKING TO THE REAR OF THE PROPERTY		
Applicant:	A Szczepaniak		
Type:	Full	Ward:	Shaftesbury
Decision:	REFUSED		

1. BACKGROUND

- 1.1 Development has commenced insofar as the erection of the raised decking and associated privacy screen/balustrade surround, although the area beneath the decking remains to be enclosed with composite panel fencing.

2. SITE LOCATION AND CONTEXT

- 2.1 34 Bryn Bevan is a two-storey semi-detached property located in the Shaftesbury ward. Due to the topography of the land, the curtilage slopes significantly from the front to the rear. The site and neighbouring properties are 'Radburn' style homes, meaning the front elevation is only accessible from a pedestrian footpath and the rear elevation is visible from the highway.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Retrospective planning permission is sought for the erection of a raised decking to the rear of the property. The deck measures 4.6m in width, 6m in depth, 3.2m above ground level to the top of the balustrade, 3.575m above ground level to the top of the privacy screen along the southwestern edge. The edge of the deck is bound with white glazed panels measuring 1.2m in height. Beneath the deck and the ground level below, 2m tall dark grey composite panels are proposed to enclose the space.

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 LANDSCAPE OFFICER CONSULTATION RESPONSE

No objection

Since both the neighbouring properties have similar raised terraces and the fact that this application is retrospective, I have no objection.

6.2 SAB CONSULTATION RESPONSE

Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit the website.

6.3 STRUCTURES

No response received to date.

6.4 DRAINAGE MANAGER

No response received to date.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 09.06.2026, Site Notice was put up on 12.06.2026.

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

33 Bryn Bevan

I am the next-door neighbour of [The Applicants]

They are a lovely family who both work hard and are respected members of the community.

I do not object to the new patio.

I support them as i'm sure most other residents do.

So to summarise i fully support and have no objection to their application.

34 Bryn Bevan

I wish to object to the retrospective planning application for the raised decking structure at the above property.

My concerns primarily relate to the scale, height, and overall impact of the development.

The raised decking appears significantly larger and more elevated than would normally be expected, resulting in concerns regarding its visual impact on neighbouring properties and the character of the surrounding area.

In addition, I have concerns as to whether the structure complies with the relevant building regulations and construction standards. Given the size, height, and nature of the development, I believe it is important that the Local Planning Authority and Building Control are satisfied that all applicable requirements have been met.

I would like to stress that my objection is not intended to create unnecessary conflict with

my neighbour, nor is my objective simply to have the structure removed. I am supportive of finding a practical and proportionate solution that addresses the legitimate concerns raised by the development while allowing my neighbour reasonable use of their property.

36 Bryn Bevan

I have no objection to the retrospective planning application for the raised decking at 34 Bryn Bevan.

In my opinion, the decking is an attractive addition to the property and has improved its overall appearance. It does not negatively affect my property, my enjoyment of my home, or the character of the surrounding area in any way.

I fully support the application and have no concerns regarding the decking structure.

58 Bryn Bevan

They spent weeks erecting this, getting it perfect. I think it looks amazing and an asset to improvement in the area.

88 Bryn Bevan

The neighbour's patio does not cause me any issues or restrictions. It looks neat and aesthetically pleasing.

8. **ASSESSMENT**

8.1 **Visual Amenity/ Character and Appearance;**

The House Extensions and Domestic Outbuildings SPG states that in general, a development should relate sympathetically to the existing building and the surrounding area. The Council will pay particular attention to scale, massing, proportions, architectural detailing. There are a number of raised amenity areas, including patios and decks to the rear elevation of many neighbouring properties along this stretch of Bryn Bevan, although most are typically characterised by wooden treatments along the edge, and being situated at a much lower level than the proposed development. The proposed deck at no.34 introduces contemporary glazed elements with steel supports with a significant undercroft in a prominent position, indeed an effect exacerbated by its significant height and scale in relation to the raised patios at each of the neighbouring properties. The introduction of heavily glazed elements in this setting is contrasting with the overarching character, and the development appears incongruous in this location. This is contrary to Policy GP6 of the Newport Local Development Plan 2011 – 2026.

8.2 In general, the raised amenity spaces along Bryn Bevan are stepped in line with the topography of the road, meaning that the height of the patios/decks generally become lower in height as the road descends. The patio at no.34 does not follow the stepped pattern and appears significantly higher than the patio at no.35. This further accentuates the visual impact of the development and results in the deck appearing visually commanding and obtrusive. This is contrary to Policy GP6 of the Newport Local Development Plan 2011 – 2026.

8.3 For the reasons outlined above, it is considered that 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) and the guidance set out in The House Extensions and Domestic Outbuildings SPG.

8.4 **Residential Amenity:**

The House Extensions and Domestic Outbuildings SPG states that 'a raised amenity space that substantially reduces natural light, perceived space or privacy in neighbouring habitable rooms or back gardens will not be acceptable'. The deck at no.34 Bryn Bevan is not set in from the shared boundary with no.35 (the adjoining dwelling) however it is set in 1.3m from the shared boundary with no.33. As previously mentioned, the land slopes away from the dwelling and the ground level drops significantly between the rear elevation of the dwelling and the highway. The deck occupies a depth of 6m, meaning that a large extent of the patio is raised above the ground level (reaching up to 2m above GL) and a 6m x 4.6m area of what was formerly, a sloped lawn, has been formalised as an amenity space. The

deck also protrudes beyond the existing patio at no.35 by approximately 1m. Given the height and depth of the patio in relation to the neighbouring amenity and the lack of set in from the boundary, the deck allows an unacceptable level of overlooking toward the neighbouring patio and rear elevation at no.35 Bryn Bevan. While it is acknowledged that an attempt to prevent/minimise overlooking has been made in the form of a 1.575m privacy screen along the southwestern edge, the erection of such a structure would appear dominant and overbearing in this location. While privacy screening is typically favoured, in this instance, it would result in an unacceptable overbearing impact by introducing a large, solid fence for a significant depth along the boundary. This is unneighbourly and contrary to Policy GP2 of the Newport Local Development Plan 2011 – 2026.

- 8.5 Moreover, although the proposed deck is positioned 1.3 metres from the shared boundary with no.33, the neighbouring patio is situated at a substantially lower ground level. As a result, the elevated deck at no.34 would afford direct and uninterrupted views over the patio area and towards the rear elevation of no.33. Whilst some degree of overlooking is inevitable given the significant difference in land levels between the properties, the creation of a formal outdoor amenity space at this elevated position would intensify opportunities for overlooking to an unacceptable extent. The proposal would therefore result in a harmful loss of privacy for the occupants of no.33 and would represent an unneighbourly form of development, contrary to Policy GP2 of the Newport Local Development Plan 2011–2026.
- 8.6 In terms of an overbearing effect, the deck and associated fencing would appear significantly elevated above the ground level, particularly when viewed from no.33. The proposal introduces a solid and dominant structure which is oppressive and unneighbourly which causes significant harm to the living conditions of neighbouring occupiers, contrary to Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 8.7 **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 design, 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 overbearing and results in an unacceptable overbearing effect and loss of privacy which is unneighbourly and causes significant harm to the amenities of neighbouring occupiers at nos.35 and 33 Bryn Bevan. 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: Exterior Views, Existing/Proposed Site Location, Existing/Proposed Side Elevations, Planning Statement, Site Location Plan, Photograph, Existing and Proposed Elevations/Sections, Existing/Proposed Ground and First Floor Layouts.

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.