



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 05/05/2026

Appeal reference: CAS-04710-D3T5C2

Site address: 12 Augustan Drive, Caerleon, Newport, NP18 3DB

- 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 Nicholas Suller against the decision of Newport City Council.
 - The application Ref 25/0623, dated 2 August 2025, was refused by notice dated 23 October 2025.
 - The development proposed is described as the 'erection of decking and fencing (retrospective)'.
 - A site visit was made on 24 February 2026.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has been carried out and the appeal therefore seeks retrospective planning permission.
3. For conciseness, I have taken the description of development from the Council's Decision Notice and the Appeal Form.

Main Issues

4. These are the effect of the proposal upon the character and appearance of the area and the living conditions of neighbouring occupants, with particular regard to privacy.

Reasons

5. The appeal property (No. 12) comprises a detached one and a half storey dwelling within a planned residential estate of similarly sized dwellings, which front onto Augustan Drive in a linear layout pattern. Due to the sloping topography, dwellings on the northern side of Augustan Drive, including the appeal property, are elevated and set back from the highway with rising front garden areas.

6. The development comprises a front timber decking area with a horizontal timber battened perimeter fence. The development covers some of No. 12's previously sloping front lawn area.
7. I saw that properties fronting onto the northern side of Augustan Drive mainly have low front boundary walling adjacent to the highway and a mix of front garden appearances that include amongst other things, sloping lawns, levelled patios and gravelled and planted areas of varying extents. A mix of boundary treatment and surfacing materials also exist along this frontage. Despite these variances, the front elevations of properties remain largely visible over and through their front gardens when viewed from the highway. This contributes to Augustan Drive's verdant, yet pleasingly semi-open frontage character.
8. For example, to the development's side, 10 Augustan Drive's (No. 10) patio fence is divided into two sections by its stepped access from the highway. This provides a significant gap approximately two thirds along No. 10's front elevation. There is also a lattice style of fencing along its western section. These features enable views of No. 10's front elevation from the highway.
9. Newport Local Development Plan (LDP) Policies GP2 and GP6 state, amongst other matters, that good quality design will be sought in all forms of development, which will be permitted where it would not be detrimental to the character or appearance of the area and would not have a significant adverse effect on local amenity.
10. The Council's House Extensions and Domestic Outbuildings Supplementary Planning Guidance (SPG) advises, amongst other things, that a raised amenity space should relate sympathetically to the existing building and the streetscape by virtue of its size, design and materials.
11. Whilst the development's front perimeter fence line and height is similar to No. 10's, it nonetheless extends across the majority of No. 12's front elevation, with no significant visual gaps. Its horizontal battens, although similar to No. 10's fence boarding, also restrict views through the fence, including along its side sections that return to the dwelling. As such, when viewed from the highway, the fence significantly screens the lower section of No. 12's front elevation. Due to its lack of visual porosity, the fence has an enclosing 'fortress' appearance across No. 12's front elevation. Although set back from the highway, it is therefore not conducive with Augustan Drive's semi-open frontage character.
12. Existing planting when matured, or additional planting, would not effectively mitigate the fence's harmful screening effects, nor would staining it. The appellant has referred to examples of other properties located further along Augustan Drive and Augustan Way. However, I saw that for those properties that front onto these streets, whilst of varied appearances, they nonetheless largely retain a semi-open frontage character, unlike the development before me.
13. The other examples submitted by the appellant are located a considerable distance from the appeal site. Furthermore, the sizes and appearances of the dwellings and the position of some of the boundaries referred to also differ to the appeal site. I am unaware of the planning status of the specific examples provided and, having regard to the fact that each case should be treated on its own particular merits, my findings are unaltered by them.
14. For these reasons, I conclude that the development is harmful to the character and appearance of the area.
15. Turning to the development's effect upon living conditions, during my site visit, I saw that significant intervisibility exists between the front gardens and openings of dwellings each

side of Augustan Drive. This provides a high level of communal overlooking between both residents and users of the highway.

16. The development has improved the useability of some of the front garden for current occupants, by creating a levelled surface. However, the decked area is set on two levels that step down with the falling land underneath. Consequently, the extent to which it is elevated above this ground level is minimal. The decking's lower floor level and front building line is also similar to No. 10's adjacent front patio. The submitted photo of the appeal site prior to the development's installation shows minimal side boundary screening between No. 12 and No. 10. From my observations on site, views from No.12 across No. 10's frontage are largely unchanged by the development. Furthermore, a suitable angle of view has been retained to minimise views from the decking into No. 10's nearest front window. Having regard to current levels of intervisibility of occupants and highway users along the frontage, the development is not significantly harmful to the living conditions of neighbouring occupants.
17. Nonetheless, the above identified harm to the character and appearance of the area is a significant and overriding factor and as such, the development is contrary to LDP Policies GP2, GP6 and the SPG.

Other Matters

18. That the development would be acceptable on biodiversity grounds is of neutral weight to this appeal.
19. In reaching my decision I have had regard to the circumstances of an occupant of No. 12, in particular that the proposal is intended to improve the accessibility and safety of the front garden. However, there is little evidence that the development is the only realistic means of securing the identified benefits for the occupant and the harm I have identified is significant. I do not therefore consider that my decision would result in a disproportionate effect on the interests of the occupant, and consequently it would be proportionate to withhold planning permission in the circumstances.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
21. 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.

Richard James

INSPECTOR