

Delegated Decision Report

Application No:	25/0433	Statutory Period Expires:	1st August 2025
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Site:	34 Grove Park Drive Newport NP20 6YE		
Proposal:	INSTALLATION OF DECKING TO THE REAR OF THE PROPERTY AND ASSOCIATED WORKS		
Applicant:	W Wormald		
Type:	Full	Ward:	Malpas
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The property is a detached dwelling located at the end of a cul-de-sac. To the rear of the site is an area designated as a SINC, historic park/garden and landscape of outstanding historic interest. 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 for a depth of 3.8m and 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 from existing ground level. Associated works are also proposed including retaining walls and steps.

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)

- 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: No objections in principle. However, my only concern would be the overlooking aspect over the adjacent residential garden. Could some trellis be attached to the balustrade with some climbing plants in a raised planter or large pots? Details of these should be provided to include: Species, size and quantity. In addition, details of hard landscape materials should be submitted for approval, to include: balustrade, trellis, timber decking type and raised planter (if opted for).

6.2 Structures: I have added some requirements to the sketch in red provided for ease of explanation.

1. The middle retaining wall must be straight so that it can support the post above suitably. The exposed face can still be sloped as drawn.

2. All walls must stand on suitable foundation strips at least 100mm thick and 200mm beyond the width of the wall on both sides.

3. Consideration should be given to drainage, weep holes through the retaining walls and a gully at the base perhaps. At all levels.

Other than this there is no objection from structures.

6.3 CADW: Having carefully considered the information provided, we have no objection to the proposed development in regard to the registered historic park and garden listed in our assessment of the application below.

PGW(Gt)20(NPT) Bryn Glas. This planning application is for the Installation of decking at 34 Grove Park Drive, Newport, NP20 6YE. The above designated historic asset is located inside 500m of the proposed development. The proposed development is located adjacent to the northern boundary of registered park and garden PGW(Gt)20(NPT) Bryn Glas. The grounds at Bryn Glas, Newport are registered for their historic interest as the survival, in an urban area, of a late nineteenth century garden and the remains of a walled kitchen garden, associated with Bryn Glas House (Listed Building 3003). The gardens have group value with the listed house and gardener's cottage. Bryn Glas gardens and pleasure grounds lie to the south and east of Bryn Glas house. All were originally set in surrounding countryside. The proposed development is for the installation of a garden decking area. This will extend over the fall in height of the garden area supported by pillars on concrete footings and support a balustrade. The outer face of the support posts will be clad with decking material. The surrounding housing was not part the registered park and gardens original setting and the proposed decking will be visible only from a limited area of the boundary of the registered park and garden, which at this location is densely wooded. As such whilst there may be a very slight visual change in the view from the registered park and garden this will not have any effect on the way that it is experienced, understood and appreciated. Consequently, the proposed development will not have an unacceptably damaging effect upon the setting of the registered park and garden PGW(Gt)20(NPT) Bryn Glas.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 30th June.

7.1 NEIGHBOURS:

38 Grove Park Drive:

- The above proposal, due to its height, will be seen from several stand points from

our property and therefore will have a visual impact. The enjoyment of open space will no longer be there. In addition, this will also have a privacy impact on the adjoining property.

- We request that a review of the height be considered by the Planning Department and lowered accordingly to permitted limits, this should be considered in light of above comments and if the current proposal is deemed to be in excess. The trellis as proposed should be replaced with a permanent privacy screen.
- The submitted plans do not appear to have been prepared by an architect. There is a lack of details regarding materials to be used which should be an integral part of the submission. These details should be provided before approval as being consistent with the surrounding buildings/ amenities and a reassurance that the standard of the project will be compliant with Planning Rules and Building Regulations.
- We object strongly to the use of a steel balustrade/handrail which we believe would not be consistent with the proposed wooden structure or the surrounding buildings and the natural wooded background/environment.
- There is a strong possibility that it will be highly visible, reflective during nighttime hours when being used/ and when sunlight falls on it which would impact on our property and become a nuisance. A complimentary replacement should be used.
- We would also ask that the work is restricted to normal working hours during the week and weekends.

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 1.5m from this shared boundary and no privacy screen has been proposed. 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.

Owing to the depth and height of the decking as well as its proximity to the side boundary, there is potential for views to be afforded into both the rear garden and rear windows of the neighbouring dwelling both at ground and first floor. The deck will rise above the existing hedge and sit closer to the boundary, creating a space suitable for dwelling and sitting out. This level of overlooking is not currently present. It is considered that the scale and location of the proposed decking would result in a harmful level of overlooking and loss of privacy.

Whilst 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. Typically, a privacy screen must be at least 1.8m in height. In this instance, if a privacy screen were to extend down the entire side of the decking closest to no.33, it would have a depth of 3.8m and would be clearly visible as rising above the intervening hedge. It 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.

8.3 **Visual Amenity:**

A raised decking including associated works are proposed. The decking would be 5.2m wide and 3.8m deep at a maximum height of 2.6m. 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 wider streetscape and would not result in a harmful visual impact.

8.4 **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. The applicant has not indicated any measures as part of the application. If the application were to be approved, it would be considered reasonable and necessary in this instance to secure a scheme of biodiversity enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application.

8.5 **Other Matters**

Comments have been received from a neighbouring occupier at no.38 Grove Park Drive. The comments state that the proposal, due to its height, would be seen from several stand points from their property and would therefore have a visual impact and that the enjoyment of their open space would no longer be there. As well as this, they also state that it would have a privacy impact on the other neighbouring property which has been addressed above. The proposed decking would be located approximately 8m from the closest boundary shared with no.38 and approximately 19m from the property. It is also worth noting that the neighbouring property is set at a considerably higher level than the application site. Whilst the development may be visible from the neighbouring property, this in itself would not necessarily result in a harmful visual impact. Owing to the location and scale of the proposed decking, it is not considered that it would result in a harmful visual or residential impact on the neighbouring property no.38.

The comments also make reference to the lack of detail regarding material on the plans and that they do not appear to have been drawn by an architect. It is not a requirement for plans to be drawn by an architect providing that they are drawn to an accurate scale and clearly show the proposed development. If further details of materials are required, the officer can either request these are submitted for consideration as part of the application or a condition could be attached requesting the details should the application be approved.

The letter also refers to the high visibility of the development. However, owing to its location and scale it is not considered to be highly visible.

Finally, the comments requested that the work be restricted to normal working hours during the week and weekend however owing to the minor scale of the works proposed, it would not be considered necessary for a planning condition to be attached with regard to this. However, it is worth noting that other bodies within the Council would have powers should this be an issue.

The Structures Officer has raised some relevant advisory points from a structural perspective. None of these are considered significant or insurmountable. In this case, all new retaining walls are within the site and do not impact third party land.

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 location, scale and design, the proposed decking would result in an unneighbourly form of development that would adversely affect the privacy of the neighbours of no.33 Grove Park Drive. The proposal does not include biodiversity enhancements but having regard to the nature of the scheme, this matter could be subject to condition if minded to approve permission.

11. DECISION

REFUSED

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).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Plan Layout Drawing No.25/043334-D03

Rev 4, Proposed Elevation B-B Drawing No.25/043334-D05 Rev 2, Proposed Elevation C-C Drawing No.25/043334-D06 Rev 1, Proposed Elevation D-D Drawing No.25/043334-D07 Rev 1, Proposed Elevation E-E Drawing No.25/043334-D08 Rev 1, Proposed Elevation A-A Drawing No.25/043334-D04 Rev 3, Existing Elevation A-A Drawing No.25/043334-D02 Rev 2, Existing Plan Layout Drawing No.25/043334-D01 Rev 2 and Location Plan.

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.