

Planning comments Reference: 24/0810

REDACTED

1. We welcome the applicant's stated aim of 'obscuring overlooking into adjacent garden', however the proposed plans do not address the same and further consideration needs to be given to the first tier, specifically the newly developed patio and balustrade.
2. The sketch of the original garden in the plans provided is misrepresentative of the land as it were prior to the new development. *REDACTED*, the area to the left of the steps (facing towards the properties and adjacent to number 3) included a shrubbed zone, providing a natural privacy and safety buffer between the two gardens that deterred convenient access and ready use of the space. The area marked on the original plan as 'patio' (see document reference 'SD991-01C Original') was not a patio, despite the plans indicating so. It only became a patio (and associated seating area) as a result of the new development.
3. In keeping with the natural orientation of adjacent gardens, the original steps and path also swept left and away from the boundary with number 3. The original design was well considered and recognised the need to balance the rights of neighbouring properties. Amenity areas in the original gardens were proportionate in size and sympathetically located.
4. The sketch drawing of the original garden (see bottom left of document reference 'SD991-01C Original') would be more representative if the area to the right of the steps were illustrated in a similar way as the area to the left – there was a small area of earth immediately behind the retaining wall, and required as part of the retaining structure, that very quickly gave way to planting. Certainly, and contrary to the plans, the area marked 'patio' on the same document was not a patio nor in any sense an amenity area.
5. We note in addition, that the applicant has ticked 'No' in answer to the question 'Are there any trees or hedges on the site or adjoining the proposed site that would be affected by the development proposal?' They have also ticked 'No' in answer to the question 'Does your proposal involve the loss of any trees or hedgerows?'
6. It would be remiss of us not to properly inform the planning process by confirming that prior to this development, there were in fact two established and mature silver birch trees at the rear of the garden. They were felled and the roots later mechanically excavated in the area where the top tier patio now stands. *REDACTED*
7. *REDACTED* satellite views of the site both before and after the construction of the first tier patio and removal of the trees. It is clear that the patio referred to in document reference 'SD991-01C Original' was only created as a result of this development. Likewise, trees have in fact been removed as part of the works. The development of the second and third tier patios and balustrades was completed after the date of the latest available satellite image. And therefore no satellite image is yet available of the finalised and completed works.
8. The plans do not include any photographs of the development as built, or detailed 3D renders from various different angles which would be required to properly understand the scale and impact of the finished build. However, we trust the council's site visits have allowed them to properly assess the development and take photographs that accurately represent both the extent and impact of the work.
9. The 'Description of Proposed Works' in the application omits any direct reference to the erection of a metal balustrade atop the entire perimeter of the retaining wall at the bottom

of the first tier – which returns to and then faces directly along and immediately above the boundary with number 3. This has resulted in the creation of a balcony and a new structure. The consequence of this newly developed patio and balustrade is that a new and additional amenity space has been created.

10. We would respectfully request that this is considered in line with the general planning principals contained within Newport Council's Supplementary Planning Guidance and the Guidance Notes for Raised Amenity Spaces (decks, balconies, patios and roof terraces) in particular points 5.5.1, 5.5.2 and 5.5.3 and the applicant's stated aim of 'obscuring overlooking into adjacent garden'.
11. The addition of this new amenity space, with attached metal balustrade has created a balcony structure well in excess of 3 metres high, immediately on top of the boundary and facing directly into the immediate rear garden and habitable rooms of number 3. We ask the council to consider this very carefully.
12. We note the 'as built' plans highlight breaches of permitted development rights in 5 separate areas with regards to the 300 mm rule – none of which can be considered de minimis or trivial. Rather, they are significant and serious. And given planning breaches do not arise solely from the raising or lowering of land, the council should also consider the above points in relation to the impact of the newly created first tier patio and balustrade.
13. The developed land has been raised, altered or built upon along the entire length of the boundary with Number 3, including the third tier of the development, diminishing greatly the necessary and important intended benefits of the boundary fence at all points.
14. We would ask the council to consider the overall extent, effect and consequence of the development as a whole, and trust any approved plans will be subject to the same rigour and consideration as would have been the case, had planning permission been sought prior to the development being commenced. We also trust any remedy or conditions imposed will not result in alternative harm.