



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19/04/2024

Appeal reference: CAS-03196-B5D1Z6

Site address: 4 Ridgeway Crescent, Newport, NP20 5AP

- 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 Mrs Jade Jones against the decision of Newport City Council.
 - The application Ref 23/0731, dated 20 August 2023, was refused by notice dated 19 October 2023.
 - The development is described as 'engineering works to rear garden to create plateau including retaining walls, boundary fencing and associated works together with new pergola and privacy screen (part retrospective)'.
 - A site visit was made on 21 March 2024.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interest of conciseness, I have used the description of development from the Decision Notice and Appeal Form.

Main Issue

3. The Council does not object to the pergola or proposed privacy screen on the boundary with 2 Ridgeway Crescent, and I have no reason to disagree. The main issue is the effect of the raised plateau on the living conditions of the occupiers of 6 Ridgeway Crescent (No.6), having regard to privacy.

Reasons

4. The appeal relates to the rear garden of a semi-detached dwelling. Photographs show that prior to the construction of the plateau, the rear garden included an upper level adjacent to the angled rear boundary, accessed by the existing steps, and a rockery sloping down to the lower level of the garden and the dwelling. The plateau 'squares off' the upper level of the garden creating a larger and deeper raised level area which contains a grassed area, a pergola, and a large formal patio area with a low glazed balustrade on the southern and eastern sides.

5. The construction of the 'squared off' plateau has created a large, elevated patio area at a similar level to the first-floor windows of the appeal property and those on the rear of No 6. The development extends the upper level garden significantly closer towards the rear of No.6, such that I saw that there were clear and direct views into the bedroom window of No. 6. On the available evidence, these views are significantly more intrusive than would have previously existed before the plateau was built.
6. Furthermore, the plateau has created a larger more usable space, likely to be used more frequently and for longer periods of time, exacerbating the perception of being overlooked. Although the development has sought to create a safe area for enjoyment for young children, the level of overlooking, particularly in the summer months when the patio area would likely be more intensively used, results in a significant loss of privacy for the occupiers of No. 6.
7. I have considered whether any privacy screening to replace the glass balustrade on the southern and eastern section of the patio area could offer suitable mitigation as suggested by the appellant. However, there are no specific details before me. Given the height of the patio area, its close proximity to the rear of No 6, and the level of screening that would be required to safeguard privacy, I share the Council's concerns that such a screen could be obtrusive. It would not therefore be appropriate to impose a planning condition in this regard.
8. I note the objection in relation to potential overlooking of the rear of 8 Ridgeway Crescent (No.8). However, having regard to the separation distances between the raised patio and the rear of No. 8 and its garden, and the intervening high boundary hedge and fence, the level of overlooking from the patio is such that it does not have a harmful effect on the level of privacy of the occupiers of No. 8.
9. I conclude that the development causes a significant loss of privacy that is harmful to the living conditions of the occupiers of 6 Ridgeway Crescent. It is therefore contrary to Policy GP2 of the Newport Local Development Plan and the objectives of the Council's Supplementary Planning Guidance 'House Extensions and Domestic Outbuildings' which seek to, amongst other things, ensure that developments do not result in significant adverse impacts on local amenity, including privacy levels.

Conclusion

10. For the reasons set out above, and having regard to all matters raised, the appeal should be dismissed.
11. 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.

H Smith

INSPECTOR