

Delegated Decision Report

Application No:	25/0075	Statutory Period Expires:	14th August 2025
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Site:	<i>48 Rugby Road Newport South Wales NP19 0BR</i>		
Proposal:	<i>CHANGE OF USE FROM DOMESTIC DWELLING TO SIX BED HMO (USE CLASS C4), NEW REAR SINGLE STOREY EXTENSION AND NEW REAR SINGLE STOREY GARAGE (PART RETROSPECTIVE)</i>		
Applicant:	<i>M Hassan</i>		
Type:	Full	Ward:	Victoria
Decision:	REFUSED		

1. BACKGROUND

1.1 The property is already in use as a HMO and this use may be lawful if it has operated in such way for four years or more. Notwithstanding, the Council will only confirm lawfulness of a use via a Certificate of lawful Use application (LDC). This application seeks full planning permission and as such the usual considerations apply and are discussed further below. The existing floor plans show a bedroom, living/dining room and kitchen at ground floor with four en-suite bathrooms at first floor. Prior to use as a HMO the property was a three bed dwelling. The rear extension and garage have been constructed and the application is also retrospective insofar as it relates to these elements. Officers have tried to secure access to the interior of the property but have been unable to obtain a response on this from the applicant/agent and consequently officers have been unable to observe the internal layout.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a mid-terrace dwelling set over two storeys on Rugby Road. There is a vehicular access lane running to the rear of the property. Corporation Road lies to the south-west of the site and there is a small park directly opposite. The property is situated in a dense residential area, which is characterised by linear rows of terraced dwellings having small forecourts set behind a dwarf wall.

2.2 Whilst the immediate character of the area is residential, there are some commercial uses on Chepstow Road including small retail shops, a Council depot and children's soft play centre. Corporation Road is approximately 170m away.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposals include a single storey rear extension measuring 5m in width, 6.3m in depth and 3.5m in height with a shallow sloping roof. Double doors and a window are proposed in the rear elevation as well as a rooflight.

3.2 The proposed internal layout of the HMO shows two en-suite bedrooms and a kitchen /dining area at ground floor in what is the extension and four en-suite bedrooms at first floor.

3.3 A detached outbuilding has been built at the rear of the site measuring 5.1m in width, 6.6m in depth and 2.8m in height with a flat roof. The plans show a roller shutter door to the lane side of the garage and a single door in the rear elevation facing the garden rear elevation of the application property. However, the building has already been constructed, and the plans are not reflective of what has been built with the lane elevation containing sliding doors and a window. The building would not be accessible for a car, and it is unclear what the intended use is.

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)

SP1 – Sustainability;

SP3 – Flood Risk;

SP9 – Conservation of the Natural, Historic and Built Environment

GP2 – General Amenity;

GP4 – Highways and Accessibility;

GP5 – Natural Environment;

GP6 – Quality of Design;

GP7 – Environmental Protection and Public Health;

H8 – Self Contained Accommodation and Houses in Multiple Occupation;

T4 – Parking;

W3 – Waste.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS SPG;

HOUSE IN MULTIPLE OCCUPATION;

WASTE STORAGE AND COLLECTION.

6. CONSULTATION RESPONSES

- 6.1 Natural Resources Wales: **We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.**
Flood Risk

We note that the planning application was received on 31 January 2025. In accordance with Welsh Government's Written Statement dated 31 March 2025, our advice is based on Technical Advice Note 15 (TAN15), July 2004.

The planning application proposes highly vulnerable development (conversion of a single dwelling into an HMO). Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Sea. The proposed layout of the HMO results in two ensuite bedrooms on the ground floor which are at risk from flooding. We consider there to be a lack of access to a suitable area on the upper floor for the ground floor residents to use in the event of a flood. This proposal may also intensify the residential use, creating additional pressures on emergency services should evacuation during a flood event be required.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an

FCA, that the potential consequences of flooding can be managed to an acceptable level. We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, the above requirement should be met prior to the determination of the application. We can advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed. To help prepare an FCA, we have developed guidance, which contains technical advice and recommendations.

Alternatively, and subject to your authority being satisfied with this approach, the applicant may wish to consider amending the proposed layout to remove the bedrooms from the ground floor; or include an appropriate communal area on the upper floor.

The application currently provides no details on issues surrounding access and egress from the property in line with criteria in TAN15. Matters regarding safe access and egress and emergency evacuation are for the planning authority to consider. If you have concerns regarding these matters, you should consider consulting other professional advisors on the acceptability of the proposals. We are not the appropriate body to comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood event. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

In summary, if an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed; or an amendment to the layout is not considered acceptable to your authority, we would **object** to the application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

- 6.2 We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 6.3 Local Highways Authority: **Highway recommendation:**
Objection on highway safety grounds and policies relating to parking, cycle parking and waste management.

Highway Comments:

The plans suggest that the existing house had four bedrooms and no bathroom (before works commenced). Any house with three or more beds is assumed to have 3 parking spaces in line with the SPG as a start point.

A HMO is required to have one space per bedroom plus a visitor space. In this case that equates to 7 spaces to meet the SPG demands. There would therefore be a shortfall of four spaces (in policy terms) which has not been addressed within the application.

We note that there is a proposal for a garage, however this cannot be accepted as it does not have safe access to the highway. There is no pedestrian visibility or footway crossing

apparent at the access. The garage raises an objection on highway safety terms and recommendation for refusal of this element at least.

The adjacent streets are clearly subject to high parking stresses as evidenced by the need to have extensive junction protection. We cannot therefore suggest that sufficient on-street parking is available to meet the standards, but some daytime stress may relate to commercial premises on Commercial Road and it should be noted that residential demand peaks at different times to these.

Actual parking demand varies according to the quality of the accommodation, with higher demand associated with better quality HMOs that attract “young professionals”.

A parking survey may help to support the application. The presence of junction protection would help to reduce the likelihood of dangerous or inconsiderate parking, but amenity may be an issue.

There are no detail of refuse or cycle storage provision. These could be addressed via conditions, using the “garage” with appropriate doors (no vehicular access).

In conclusion, the key highway related issue is lack of visibility for the garage access and lack of designated secure cycle parking and bin storage. It appears these could be addressed by converting the “garage”. This would then allow all of the safety and sustainability objections to be removed. The proposals would remain uncompliant with parking policy, so could not be fully supported.

6.4 Environmental Health (Senior Scientific officer): In terms of air quality in respect of the above application I recommend the following planning conditions:

-Low carbon heating/photovoltaics condition:

No development shall take place until details of a low emission / low carbon heating system has been submitted to the LPA. This could include a carefully selected ultra-low / low emission boiler potentially supplemented with roof top photovoltaic panels or a suitably installed air source heat pump. Careful consideration and potential improvements to the existing insulation may also be required. The sustainable heating system shall be implemented prior to occupation of the development and retained thereafter.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).

- Access to Active Travel transport condition:

No development shall commence on site until suitable cycle storage provision has been agreed with the LPA. The garage at the rear of the property is likely to be the most suitable location for this.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).

-ULEV Condition:

No development shall commence on site until details of Ultra Low Energy Vehicle infrastructure (within the proposed garage) has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained. This recommendation is made on the basis that Highways support / have no objections to the garage being used for parking purposes. If this is not the case, then this condition would not be required.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).

6.5 Waste Manager: No response.

6.6 Environmental Health (Noise and Neighbourhood): No response.

6.7 HMO Licensing: No response.

6.8 Gwent Police: No response.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 25th June 2025, Site Notice was put up on 6th July 2025.

7.1 NEIGHBOURS: 11no objections received as follows:

-I grew up on this street and over the past years, the anti-social behaviour, noise pollution

and parking issues have become unbearable to the point where I have genuinely considered moving out of this place. The property in question has from my understanding always been used as a HMO and I don't understand why enforcement action has not been taken by the council. I am aware of the nearer neighbours complaining regarding this, but no action has been taken as of yet. Therefore, I find it insulting that as a resident we are now asked for our opinion, despite all these years of this property being used as HMO.

I strongly object to this planning permission for the reason that

a. This HMO is likely to increase anti-social behaviour (and the council is aware of these statistics judging by the blanket ban of HMO's in pill to tackle the anti-social behaviour problem there).

b. This HMO is likely to increase the issue of the already existent parking problem.

c. There is already an existent noise pollution

The relevant decision maker should sympathise with all the residents' concerns. I am sure the decision maker has their own child or a child they care about which they may be able to relate with a similar concern. This property is located right next to a park and a 2-minute walk away from a primary school, where several children are playing there most of the time. I kindly ask this to be considered as part of the application.

-The property is already being used as a unlicensed HMO and has been for a number of years.

-There is a clear lack of on street parking. If you visit the area in the daytime you will see there is no space to park.

-The bus depot staff use the streets to park and then walk to the depot to work.

-People park their cars and then walk into town over the foot bridge.

-In the evening after 7pm residents park their cars anywhere, including on the corners where there are yellow lines. Each house has multiple cars and there's not enough space to park.

-This HMO is in the wrong place and should not be here.

-There is already a high number of licensed and unlicensed HMOs in the area.

The area is not the same anymore there's constant fly tipping, and most of it is done by the residents of the licensed and unlicensed HMOs.

-This is a quiet, family area with a nearby park used by children and local residents. A HMO does not suit the character of this neighbourhood.

-Work has already been going on at the property for quite some time without permission or notice, which is very concerning.

-The construction works have been taking place for well over a year without any formal notice, public consultation, or planning consent. This constitutes unauthorised development under Section 171A of the Town and Country Planning Act 1990, which states that carrying out development without the required permission is a breach of planning control.

-It is deeply concerning that the applicant has only now submitted a retrospective application after significant works have been completed. Allowing retrospective approvals in cases like this undermines public trust in the planning system and circumvents due process.

-Rugby Road is a quiet, established residential area made up predominantly of single-family homes. The introduction of a House in Multiple Occupation (HMO) would harm the residential character and peaceful environment of the street.

This proposal is contrary to:

Policy H8 (Houses in Multiple Occupation) of Newport's Local Development Plan, which restricts the overconcentration of HMOs in residential areas to protect community cohesion and ensure a balanced mix of housing types.

Planning Policy Wales (Edition 11, February 2021), which states in paragraph 3.9 that development should contribute to cohesive communities with a sense of place and identity. Increasing the number of short-term residents through an HMO undermines these goals and leads to a transient population, reduced neighbourhood interaction, and poorer social cohesion.

-This part of Corporation Road and Rugby Road already experiences severe on-street parking congestion. The change of use to an HMO, with potentially 5 or more adult tenants, is likely to result in multiple cars being added to a street that already lacks sufficient capacity. This would:

Be contrary to Policy T4 (Parking) of the Newport LDP, which states that all new development must provide appropriate levels of off-street parking to avoid worsening existing issues.

Breach the requirements of Technical Advice Note (TAN) 18: Transport, which requires developers to assess the transport implications of development, including the cumulative impact on parking and safety.

The nearby community park, used by children and families, could also be adversely affected by increased traffic and reduced visibility due to congested parking, creating a safety hazard.

The additional rear extension and garage reduce private garden space and increase the scale and bulk of the built form on-site. This overdevelopment is out of keeping with neighbouring properties and could lead to:

Loss of light, privacy, and general amenity for adjacent neighbours.

An unacceptably high residential density for the plot size.

This directly conflicts with Policy GP2 (General Amenity) of the LDP, which requires that development should not cause unacceptable harm to the amenity of the area or adjoining properties.

Under Section 3 of the Well-being of Future Generations (Wales) Act 2015, all public bodies, including planning authorities, must act in a way that furthers the goal of creating cohesive communities and a healthier, more equal Wales. Allowing HMOs in inappropriate, low-density suburban areas threatens these aims by reducing stability and safety in family-friendly neighbourhoods.

For the reasons above, the proposal is contrary to national and local planning policy, harms the residential character and amenity of the area, and intensifies pressure on parking and infrastructure. Given the retrospective nature of the works, this application should be refused.

- This street is made up of mainly family homes, and turning this house into an HMO would change the feel of the area. It could lead to more noise, extra cars, and a lot more comings and goings, which isn't suitable for a quiet residential road like ours. There are also concerns that this would go against local planning rules, especially if there are already other HMOs nearby. I also notice that part of the work has already been done without permission, which doesn't seem right. I hope the council will take these issues seriously and refuse the application.

- As a parent of two young children living on Corporation Road/Malvern Road, I am very concerned about the planning application and wish to register my objection.

-This area is made up of family homes and has always been a safe and peaceful street for children to grow up in. Converting a house into an HMO will increase the number of people, cars, and coming-and-going at all hours, which is not suitable in a family neighbourhood like this.

-My biggest concern is safety. With more vehicles and visitors, the risk to children playing, walking to school, or simply being outside increases. Parking is already a problem on this street, and this would only make it worse. We chose this area specifically for its quiet, residential feel so please don't let that be eroded.

-As someone who lives next door, I feel strongly that this type of development is not appropriate for this part of Newport. It's a quiet, residential street with a strong sense of community. A change like this could have a disruptive impact, particularly in terms of increased traffic, noise, and pressure on parking.

-There's also a real concern about how the extension and garage will affect the overall appearance and feel of the area, which is currently made up of well-kept family homes. I would kindly ask the council to consider the wider impact this would have on the neighbourhood and to refuse the application.

-This is a quiet residential street, and I am very concerned that converting this property into an HMO will completely change the atmosphere of the area. More people living in one house usually means more cars, more noise, and more disruption things which will inevitably impact nearby residents like myself.

-I worry that approving this plan would open the door to further similar developments, and that would be a real shame. This is a settled neighbourhood with families, older residents, and a strong sense of community, something that could be lost if the balance shifts. I hope the council will think carefully about the long-term effect on the area and refuse this application.

-The proposed conversion into a House in Multiple Occupation (HMO) constitutes gross overdevelopment of the property. Rugby Road is a predominantly residential, family-orientated street, and the introduction of an HMO especially one with increased occupancy and extensions is entirely out of keeping with the areas established character and built

environment.

-HMOs, by nature, involve higher turnover of tenants, often unrelated adults living in cramped quarters. This application would lead to a significant intensification of use and unacceptable levels of noise, day and night, from multiple occupants, their visitors, and vehicles.

-Increased transient population brings well documented risks of anti-social behaviour, late night disturbances, littering, and parking conflicts, all of which would be deeply harmful to the amenity, peace and quality of life of existing residents.

-Rugby Road already suffers from significant on street parking pressures. The conversion to an HMO, coupled with a new extension and garage (retrospective or not), will exacerbate traffic congestion, lead to dangerous parking practices, and pose a serious risk to pedestrian and road safety, particularly for children and elderly residents. The proposed garage does not mitigate these concerns. HMOs typically have multiple adult residents, each with a vehicle, far exceeding the parking provision on site.

-This area has a strong community spirit built on long-term residency. The approval of an HMO here would erode community cohesion, introducing a transient population with limited connection to the neighbourhood. This de-stabilises the social fabric of the area and causes concern among existing residents, who rightly fear for their safety, security, and the integrity of the local community.

-The introduction of an HMO will likely result in a notable devaluation of surrounding properties, given the negative perceptions and practical nuisances that HMOs typically bring. While not a direct planning matter, this issue is intimately tied to local welfare and long term investment in the community.

-The proposal directly conflicts with the principles and objectives set out in: Newport Local Development Plan which seeks to protect residential amenity and ensure development is in keeping with the scale and character of surrounding areas. Welsh Government Planning Policy which supports sustainable communities and resists inappropriate intensification.

-HMO Supplementary Planning Guidance (SPG) which highlights the importance of avoiding clustering of HMOs and preserving the balance of communities.

It is clear that this application fails to meet the required thresholds and violates multiple planning principles that the Council is duty-bound to uphold.

-The retrospective part of the application raises serious concerns about the applicant's disregard for the planning system. Granting approval after unauthorised works sends the wrong message and undermines the authority of the Council to enforce planning rules. Such conduct should be penalised, not rewarded.

-The application represents an unwelcome, inappropriate and harmful development that must be refused in the strongest terms. It will damage the character of the area, reduce residential amenity, undermine community wellbeing, and compromise road safety.

7.2 COUNCILLOR HUSSAIN: I am writing as Ward Councillor for Victoria Ward to formally object to the HMO application for 48 Rugby road, Newport.

The house is currently a four-bedroom property, but the owner is seeking to increase into five/six-bedroom HMO, I have serious concerns about the suitability of this location for further HMO development, based on a combination of planning policy breaches and the day-to-day amenity impact on local residents.

There is already inadequate parking provision for a four-bedroom house, a HMO with six residents would need a minimum of six off-street parking spaces, plus one for visitors, in line with planning guidance no such provision is available at this location.

There are no provisions for secure cycle storage on the plans, along with no designated refuse and recycling storage area proposed.

HMO's generate higher volumes of waste than typical family dwellings, and without proper provision this raises concerns over street scene impacts, obstruction of the public footpath and environmental health risks.

I have also been made aware that building control has an active enforcement file on the property, a site visit identified a unauthorised rear extension which was found to be non-compliant with building regulations, a Section 36 letter has been served to the owner.

As ward councillor, I receive frequent complaints about parking pressures in this area, regular concerns raised by residents that workers from Corporation Road bus depot and local businesses and shops park in surrounding streets, the proposed HMO would only exacerbate this pressure.

Given the parking impact, lack of essential infrastructure and ongoing enforcement action, I

do not believe this application meets the requirements of the Newport Local Development Plan or policy on HMO's. The proposal would cause unacceptable harm to residential amenities and place additional strain on an already overburdened area.

I respectfully request that this application is refused, should you be minded to approve the application I would therefore like it to come before the Planning Committee.

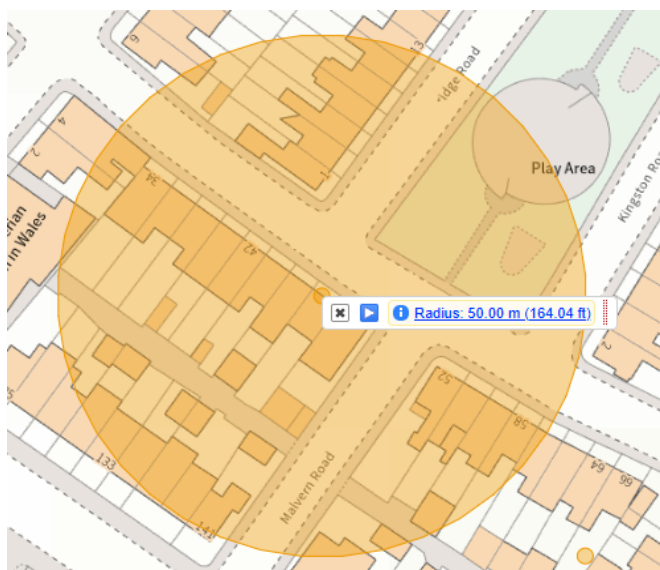
8. ASSESSMENT

8.1 Principle of Development:

The site is located within the urban area within a predominantly residential area. As such the main considerations of this application are whether the proposals will result in an over-concentration of HMO's in the area, impact on the character of the area, impact on neighbouring amenity and the amenity for future occupiers including suitable provision for waste storage etc, design, impact on parking and associated highway impact, design and flood risk.

8.2 Concentration of HMOs, Impact on Character and Appearance and Residential Amenity:

The adopted HMO SPG, states that 'clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In "defined areas" this limit is 15%, in other areas, 10%. This site is located within the 10% threshold area. When taking a 50m radius from the address point of the application site, there are no existing registered HMO within the 50m radius. Therefore, if the application were to proceed, 10% threshold would not be exceeded. Consequently, HMO concentration levels are not grounds to refuse permission in this case.



8.3 It cannot be shown that the proposal would create an over concentration of houses in multiple occupation in the area which would change the character of the neighbourhood or create an imbalance in the housing stock and criterion (ii) of policy H8 is met.

8.4 In terms of amenity consideration for any future occupiers of the HMO units, the Council's Environmental Health (Housing Licensing) department also acts as a regulatory authority in this regard. Notwithstanding this, the adopted HMO SPG states as follows:

Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property.

8.5 In this case, the communal living room and kitchen located at ground floor would measure approximately 22m². The licensing requirements are based on separate rooms for living rooms and kitchens but as the minimum size for six people is 10m² for kitchens and 12m² for living areas, the combined kitchen and living area space in this instance would be compliant. However, two of the bedrooms would fall below the required minimum size of 6.51 at approximately 4.5m² and 5m² and are very small. As internal inspection has not been possible, officers have been unable to assess the adequacy of rooms by site visit. Notwithstanding, these bedrooms are not considered to provide an adequate level of amenity for the occupiers of the rooms, contrary to Policy H8.

HMOs should provide outdoor amenity spaces in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties that they serve.

8.6 Access to a rear garden is provided. However, as a result of the proposed extension and garage the size of the rear garden would be significantly reduced to around just 4m in length. A garden of this size would be unlikely to accommodate secure cycle storage, as well as providing suitable space for drying of clothes and for sitting out for six people in and is considered to provide a poor standard of amenity. There is sufficient space within the front garden for bin storage but nonetheless the proposed amenity space is considered to be insufficient.

8.7 *Conversion proposals should not detract from the character and appearance of the building. Any conversion involving external alterations should respect the form, scale and materials of the original building and the visual character of the area. This includes the style and proportion of window and door openings.*

8.8 In this instance the property has the benefit of a small front forecourt set behind a wall whereby refuse could be stored without spilling onto the footway. A recent site visit indicates that the property is generally well maintained. Properties within the nearby vicinity are generally in an acceptable condition. Refuse receptacles are stored behind the front boundary walls within the forecourt areas. Waste units will be stored in the front garden and whilst a large HMO will likely have a larger wheelie bin than a standard house and possibly added recycling receptacles, this in itself is not harmful.

8.9 As noted above, a single storey rear extension and a garage are proposed. It is unclear what the purpose of the outbuilding is and how it would serve the occupants of the HMO. Whilst described as a garage, the building has not been constructed as per the plans submitted with this application and cannot be accessed by a car due to the installation of domestic glazed doors and is clearly not intended for vehicle parking. As previously noted, the garden area has been considerably reduced in size as a result of the outbuilding and extension and the size of the resulting area is poor. In combination, the extension and outbuilding are considered to be an over-development of the site and an over-intensification to the detriment of the amenity of the occupants of the HMO accommodation. Notwithstanding, the outbuilding is not highly visible being to the rear of the property and is of a similar scale to outbuildings that are evident in neighbouring gardens accessed via the lane. Given its flat roof and low height, it is not considered to result in an adverse impact to visual and neighbouring amenity. Similarly, the rear extension is of an acceptable scale and design. These considerations do not outweigh the objection insofar as the poor standard and size of accommodation to serve future occupiers of the site is concerned.

8.10 **Highways and Parking**

The site is located on Rugby Road, which is subject to a 20mph speed limit. The parking demand created as a 3no. bed dwelling is 3no. spaces (calculated using the SPG). There is no parking on site. The proposed 6no. bedroom HMO would require 1no. space per bedroom (6no spaces) plus a visitor space, which is a net gain of 4no. spaces and would need to be accommodated on the highway. Whilst the proposals refer to the construction of a garage, as previously noted, this is not reflective of what has been built on site and in any case, the Council's Highways officer raises objections to it on the basis of highway and pedestrian safety. No additional parking is provided as part of this application.

- 8.11 Existing parking problems and concerns regarding a worsening of the existing situation and subsequent highway safety matters have been raised as significant concerns within the resident objections and also the Local Councillor responses. The Council's Highways officer objects on the basis the change of use requires an additional off-road parking space which cannot be provided. The application is not supported by a parking survey.
- 8.12 The Council's Parking SPG allows for a reduction in parking provision for sustainable sites and points are awarded on the basis of a range of facilities being located within set walking distances. The Standards do not allow for a reduction below one parking space per bedroom. The Local Planning Authority has tested decisions on HMOs in relation to lack of parking several times in recent years. All have been dismissed at appeal. The key point for Inspectors is the sustainability of the location not the availability of parking. In this case, the site is located just over 150m from the Corporation Road District Centre, offering a range of goods and services and there are public transport services operating along Corporation Road. The City Centre is within a walkable distance at less than 1km via the footbridge. The site is located within a sustainable area. Demand for parking arising from HMO uses, particularly where these form a very low proportion of the housing stock in the 50m catchment area, is not considered to be a robust reason for refusing planning permission even though the potential for on road parking demand is acknowledged.
- 8.13 Notwithstanding the above, as previously noted, the application does not include a parking survey and every application must be judged on its own merits. The Council's Highways officer objects on the basis that it has not been demonstrated that the additional demand for parking can be accommodated on street and the adjacent streets are clearly subject to high parking stresses as evidenced by the need to have extensive junction protection. In this instance the proposals would increase parking demand by four spaces in an area where parking provision is in short supply and it has not been evidenced that there is capacity for it to be accommodated on street. Pressure for on-street parking is likely to be exacerbated given the commercial uses in the vicinity and it is considered that the use of the property as a six bed HMO results in an increased demand for on street parking which it has not evidenced can be accommodated, to the detriment of highway safety and residential amenity.
- 8.14 As noted above, due to the rear extension and outbuilding the size of the rear garden is very limited and is considered to be unacceptable for the intensity of use proposed and harmful to the future amenity of occupants. Furthermore, with a need to accommodate secure cycle storage this useability of the space would be further reduced. This factor weighs heavily against the proposals in the decision making process and it reinforces officer's view that the proposed use and associated development is an overly intensive use of the property.

8.15 **Flood Risk**

The planning application proposes highly vulnerable development, change of use of existing residential property into 6no. bed HMO, intensifying bedroom numbers with each room potentially being the primary residence of the occupier. NRW Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 2 and 3 – Sea. NRW note that although highly vulnerable use already exists in the building, the application presents an increased risk because the potential intensification of the residential use may create additional pressure on emergency services should evacuation during a flood event be required. The recently emerged replacement TAN15 confirms that a Flood Consequences Assessment is required for any development proposal located fully or partly in Flood Zones 2 and 3. The assessment will help the planning authority determine whether the risk and consequences of flooding are acceptable and can be appropriately managed over the lifetime of development. The assessment can also be used to establish whether appropriate avoidance or mitigation measures could be incorporated within the design of the development to ensure that over its lifetime, development minimises risk to life, damage to property and disruption to people living and working on the site and does not increase flood risk elsewhere. The TAN also sets out the tolerable conditions (rate of water rise, speed of inundation etc) and an FCA should provide Authority's with details of how the development would comply/compare with these. The application is not accompanied by an FCA to enable the LPA to make such an assessment. It is therefore contrary to Planning

Policy Wales and TAN15 (2025).

8.16 NRW note that the proposed layout of the HMO results in two ensuite bedrooms on the ground floor which are at risk from flooding. They consider there to be a lack of access to a suitable area on the upper floor for the ground floor residents to use in the event of a flood. This proposal may also intensify the residential use, creating additional pressures on emergency services should evacuation during a flood event be required. NRW object in the absence of an FCA.

8.17 The proposal fails to comply with the aims of TAN15 and Policy SP3 of the NLDP 2011-2026 (adopted January 2015).

8.18 **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 SP9 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. It is considered that such enhancements could be secured by condition if planning permission were forthcoming.

8.19 **Other Matters**

A number of issues that have been raised within the objections received by local residents relate to the perception of HMOs and the occupants and that the proposal would devalue house prices within the vicinity. The personal details of occupants of a HMO are private interest matters and not ordinarily material considerations for planning. Similarly, property value is not a material planning consideration.

8.20 Whilst anti-social behaviour, crime and the fear of crime are material considerations, the weight that can be afforded to these considerations is dependent upon the fear of crime being objectively justified; the fear of crime having some reasonable basis; and the fear of crime relating to the proposed land use, in planning terms rather than assumptions not supported by evidence as to the character of future occupiers. This is well established by case law. In this instance, there would not be an exceedance above the HMO threshold established within the HMO SPG and there is no current evidence to support a refusal on actual or fear of anti-social behaviour or crime.

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 The change of use would not result in an exceedance of the threshold set out in the Council's Guidance and it is not considered that the proposals would result in a demonstrable impact to the character of the area. However, two of the bedrooms fall below the Council's Licensing standards and are very small and are considered to provide an inadequate level of amenity for the occupiers of those rooms. Furthermore, the rear extension and garage constitute over-development and result in a substandard level of private amenity space for the occupiers of the HMO.

10.2 The proposals would result in an increased demand for parking of four spaces and whilst the site is located within a sustainable location on-street parking is in high demand and it has not been evidenced that the additional parking demand can be accommodated on-street. As such, it is considered that the proposals would result in an adverse impact to highway safety or neighbouring amenity.

10.3 The proposal will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flooding and the presence of a ground floor bedroom with no provision of acceptable first floor refuge for residents and their personal possessions. No Flood Consequences Assessment is provided and no information mitigates flood risk and general safety objections. This is contrary to Policy SP3, GP2 and H8 of the NLDP 2011-2026 (adopted January 2015), Planning Policy Wales and TAN15.

10.4 The application is refused.

11. DECISION

REFUSED

01 The proposal will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flooding and intensified occupation of the property, including ground floor bedrooms. No information has been submitted that mitigates this objection, contrary to policy SP3, GP2, H8 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development, Flooding and Coastal Erosion (March 2025).

02 The proposal will have a significant adverse effect on interests of acknowledged importance, namely highway safety and amenity by reason of increased demand for on-street parking in an area with a high demand for parking and parking restrictions. No information has been submitted that mitigates this objection, contrary to policy GP4 and H8 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and the Council's Parking SPG.

03 The proposals will provide a substandard level of amenity by reason of inadequate bedroom sizes for occupiers of two of the bedrooms and a poor size and quality of outdoor amenity space. This is contrary to policy GP2 and H8 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and the Council's HMO SPG.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PL01, PL02, PL03, PL04, EL01, Site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP2, GP4, GP5, GP6, GP7, H8, T4 and W3 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.