

Delegated Decision Report

Application No:	25/0281	Statutory Period Expires:	25th June 2025
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Site:	19 Victoria Avenue Newport NP19 8GF		
Proposal:	INCREASE IN THE SIZE OF A HOUSE IN MULTIPLE OCCUPATION FROM A 4 BEDROOM (C4 USE) RESTRICTED BY CONDITION 2 OF PLANNING PERMISSION REFERENCE: 19/0006 TO A 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE) INCLUDING REAR EXTENSION AND MINOR EXTERNAL CHANGES		
Applicant:	R Starr		
Type:	Full	Ward:	Victoria
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 Planning permission was granted in 2019 for the change of use of the property to a 4 bedroom house in multiple occupation. This application seeks to increase the number of bedrooms to 6 with external alterations and a rear extension. The number of bedrooms was restricted by condition with the reason being to protect the amenity of adjoining occupiers and in the interests of highway safety.

2. SITE LOCATION AND CONTEXT

2.1 The application property is a mid-terraced, three storey property located at the lower end of Victoria Avenue which is predominantly made up of traditional terrace style properties arranged in a linear fashion. The property was originally a 4no bedroom dwelling. The layout of the 4 bed HMO as approved included two shower rooms, a kitchen/diner and storage room at lower ground floor level, a lounge and two bedrooms at ground floor and two further bedrooms and a bathroom at first floor. The property has a small enclosed rear garden. There is access to the rear garden from the street via a passageway to the side of the property. The property is not located in a flood risk area.

3. DESCRIPTION OF DEVELOPMENT

3.1 As noted above, it is proposed to increase the number of bedrooms from 4 to 6. The layout would be reconfigured to provide the following: lounge/kitchen/diner, shower room and bedroom at lower ground floor, three bedrooms at ground floor and two bedrooms and shower rooms at first floor.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
19/0006	CHANGE OF USE TO 4NO. BEDROOM HOUSE IN MULTIPLE OCCUPATION	GRANTED WITH CONDITIONS	11.04.2019

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

6.6.22 Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.

5.3 TECHNICAL ADVICE NOTE 15 DEVELOPMENT, FLOODING AND COASTAL EROSION

8.1 - The TAN reflects the core principles of the National Strategy for Flood and Coastal Erosion Risk Management in Wales,⁹ to adopt a risk-based approach in respect of development in areas at risk of flooding and coastal erosion.

10.24 - In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused. In these zones, Planning Authorities should seek all opportunities to provide enhanced flood protection for existing communities at risk.

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability;
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.

5.5 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS SPG;
HOUSES IN MULTIPLE OCCUPATION;
WASTE STORAGE AND COLLECTION.

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: **Highway recommendation:**

Further information and clarification needed

Highway Comments:

The application has no information regarding cycle stores or waste management. Both of these are needed to garner Highways' support.

The application includes a sustainability assessment. Whilst Highways do not consider the area to be unsustainable, the sustainability assessment does not provide for any reduction in demand as all units are already at one space each. (refer to previous application 19/0006 for further explanation).

A parking survey has also been submitted but we are unable to give any weight to its conclusions as the report does not provide sufficient detail to be checkable and the basic measurements (kerb length available) do not appear to be correct.

It should also be noted that the surveys suggest that parking demand is in the high 80% and 90s, so there is very little space available. Furthermore, the methodology assumes efficient parking, which will not always be the case. It effectively adds all spaces together regardless of if they are sufficient for a car to park. Then divides by 5.

In addition, the survey is split into two sections (restricted and unrestricted). As the majority of restrictions are "residents' parking" it is not a safe to assume that restricted spaces are available. This is because no additional permits will be provided. Whilst they can be used

within certain times, they are not always available. New residents can only park between 8pm and 8am. This may not suit their work hours/other needs.

The photographs do not allow us to calculate the number of spaces reliably and include several pictures of footway crossings, where it would not be acceptable to park. They are not date stamped or clearly located and indicate very few spaces available on other survey date, and even less unrestricted spaces.

Whilst the additional demand associated with two units is only 2/3 spaces. We do not consider that the survey has clearly demonstrated its availability. Furthermore, we would not support any additional parking where existing demand is already greater than 85%. This ratio is generally accepted as appropriate for ensuring sufficient flexibility and circulation.

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

6.3 HMO Licensing: No response.

6.4 Waste Manager: No response.

6.5 Gwent Police: From examining the crime/incident data, I am satisfied that the proposed development location is not in a high crime or vulnerable location. There are no crime trends or patterns affecting the area and any reported calls appear to be one off isolated incident. I can confirm that the current call volume and demand from the area is not having a detrimental effect on Policing or the community within the location.

I understand that the proposed development is to be used as an HMO. There is currently 1 HMO property within close proximity of the development. Over the last 12 months there has been zero calls from this HMO property. I am satisfied that the current HMO property within the area is not causing a demand on Policing or the community within.

At this time, I do not have any clear objections to the application based on the current crime/incident rate and demand on policing and the community within.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 14th April 2025, Site Notice was put up on 18th April 2025.

7.1 NEIGHBOURS: 5no objections have been received and are summarised below:

-Whether it's day or night this area is awful for parking. Even with local amenities and bike racks, the increase in the number of residents is going to increase the stress on the already dreadful parking situation;

-This area of Victoria Avenue already has a high concentration of HMOs, where the outside of properties is unkempt and uncared for;

-There are often people hanging around outside the local HMOs and this makes it feel like an unsafe area as it is;

-The proposed new layout is dreadful. The proposed plans reduce the amount of space the current residents already have by losing a separate lounge and storage area. Surely there are rules on how much space (outside of bedrooms) is legally allowed, we need to remember these are actual people who live in these properties who are entitled to some kind of liveable area outside of their bedroom! How can you comfortably sit six people and their guests in that kitchen/diner? Two of the ground floor bedrooms also have no access to even a toilet on their floor, this is shocking!

-There are already plenty of HMO's in our street, and adding another 2 rooms, could potentially add 4 more cars (2 for each couple if 2 couples take the two new rooms) to an area already having problems with parking. Whilst the application property is within its own permit only parking area, its close unrestricted parking areas which will impact residents. -

The council have already received a petition from majority residents on Victoria Avenue (between Crown Street and Summerhill Avenue) in April 2023, yet the permits have not started, due to "lack of funding". The permits will pay for this in the long run along with the fines. The residents still wish to have permit only parking, as the parking situation is getting worse. In the last two weeks I have only been able to park on Victoria Avenue three times in the early evening. I would happily remove my objection if permits were implemented in our stretch. Otherwise I would continue to object to anything that would worsen the already saturated and overflowing parking situation.

-Even where permit parking is available at the bottom of the avenue residents and renters

choose not to purchase the permits and park further up the avenue forcing residents to park in the surrounding streets away from our own homes. We already have 3 HMOs on the avenue which brings antisocial behaviour and fly tipping of rubbish around the area.

-The proposals will result in greater demand for parking in the residents only area of parking;

7.2 COUNCILLORS: No response.

8. ASSESSMENT

8.1 Key considerations:

Ordinarily with applications for HMOs, over-concentration is a key consideration and the Council will examine the existing number of HMOs within a 50m radius as part of this assessment. However, as the property is already in use as a HMO this is not relevant in this instance. Potential impact on neighbouring and occupant amenity, parking and highways safety and waste management are material considerations and are assessed below.

8.2 Visual Amenity/ Character and Appearance/ Residential Amenity:

As noted above, planning permission has previously been granted for the use of the property as house in multiple occupation with bedroom numbers restricted to 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.

8.3 In this case, these expectations are met with communal living room and kitchen located at lower ground floor and all bedrooms having adequate outlook and natural light via existing windows.

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.

8.4 Access to a good-sized rear garden is provided to residents and cycle storage is proposed. The rear garden areas of properties are in close juxtaposition by reason of the terraced layout but the size of the outdoor amenity space is sufficient for a 6 person property and is suitably enclosed as existing. A passageway leading from the street to the rear garden provides direct access to the storage.

8.5 A recent site visit indicates that the property is generally well maintained. Properties within the nearby vicinity are generally in an acceptable condition. As a 6 bedroom HMO it will have identical waste receptacles entitlement to a dwelling and consequently waste units will similarly be stored in the rear garden with no added impact arising from the additional bedrooms.

8.6 The HMO standards state that a single bedroom should be at least 6.51m². All of the bedrooms would exceed this. Shared kitchens and living rooms for up to 6 persons should be 10m² and 12m² respectively. A combined kitchen/diner/lounge area is proposed having an area of 22m² and thus according with the licensing requirements. It is considered that the accommodation would provide an adequate standard of amenity for occupiers.

8.7 In terms of external alterations, a small rear extension is proposed to house a shower room to serve a lower ground floor bedroom. It would measure 2.9m in width, 1.3m in depth and 1.4m in height with a flat roof. A small window is proposed in the south side elevation. The

rear extension would be sited directly adjacent to the boundary with no.20 Victoria Avenue but given its very small scale and the fact that the application property is at a lower level to this neighbouring property, it is not considered to result in an adverse impact to neighbouring amenity.

8.8 As noted above, a bicycle storage shed is proposed in the rear garden of the property. It would measure 2.5m x 2.5m with a height of 1.8m and a shallow pitched roof. The storage shed is typical of garden storage buildings found in the gardens of residential properties and is not considered to result in an adverse impact to neighbouring amenity.

8.9 Neither the extension or the cycle storage shed would be readily visible from outside of the curtilage of the property and as such would not result in an adverse impact to the visual amenity or character of the street scene.

8.10 Neighbouring objections have referred to concerns relating to the potential for increased anti-social behaviour connected to HMO's and who will potentially occupy the property. Gwent Police have been consulted and advise that the area in which the property is located is not within a high crime area. They also confirm that there is currently 1 HMO property within close proximity of the development and over the last 12 months there has been no calls from this property. The police advise that they are satisfied that the current HMO property within the area is not causing a demand on Policing or the community within. The property is already in use as a 4 bed HMO and the police have not referred to any incident reports relating to the application property.

8.11 The personal details of occupants themselves is not a planning matter. Neither is the reputation, background, business, etc of the landlord/owner. The Local Planning Authority will and can only concern itself with land use planning considerations in the public interest and consequently concerns for the identity of future HMO occupiers, the details of rental agreements and charges, the history and personal details of the landlord and other similar matters, will not ordinarily inform a planning application assessment and are not considered relevant to this case.

8.12 **Movement:**

The increase in the number of bedrooms from 4 to 6 would result in an increased demand in parking of three spaces (two per bedroom plus a visitor space) in accordance with the Council's Parking Standards. 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. The property does not benefit from off street parking and there is no scope to provide any. The application is accompanied by a sustainability assessment, however the Council's Highways officer advises that does not provide for any reduction in demand as all units are already at one space each. The application is also supported by a parking survey although the Council's Highways officers does raise some concerns with the methodology and findings of the survey. Notwithstanding this, 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 District Centre on Chepstow Road which provides a range of shops and services as well as public transport links. The site is located within a highly 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.

8.13 Parking was observed by officers at the time of recent site visits and whilst it is clearly in high demand due to the absence of off street parking provision serving most houses in the area, there were on-street parking spaces within walking distance of the site. It is appreciated that parking demand will vary depending on the day and time and reliance on on-street parking may mean that occupiers are unable to park in front of, or even near to their homes. However, Inspectors have confirmed this is not justification to refuse planning permission and the availability of on street parking on neighbouring streets is sufficient.

8.14 Inspectors at planning appeal will often assume that car ownership in HMO properties will be lower and most notably in sustainable locations, such as this. The Local Planning Authority may not agree with this stance, particularly where no evidence of it is given but being aware of recent appeal decisions, the generally positive attitude of the Welsh Inspectorate to HMOs in sustainable locations irrespective of whether they have off street parking and the policy move of maximum parking standards rather than minimum standards espoused in the SPG, it is considered that there is no demonstrable adverse effect in relation to parking demand that could robustly be argued to impact upon highway safety or upon neighbouring amenity in this case. With this in mind and previous considerations relating to character, critterion (i) of policy H8 is met.

8.15 **Waste:**

The application includes provision for waste storage within the rear garden with direct access to the street available. The proposals are considered to be acceptable in this regard.

8.16 **Other Matters**

A number of issues that have been raised within the objections received by local residents over and above matters considered above, relating 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. The fact that the application is retrospective and the property is already being used as a HMO is not reason to refuse permission. This application must be considered on its planning merits.

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 addition of two further bedrooms within the property and the proposed external alterations are not considered to result in an adverse impact to the character of the area or neighbouring amenity.

10.2 Whilst the proposals would result in an increased demand for parking by three spaces (1 per bedroom plus a visitor space), the site is located within a sustainable location within close proximity to shops and services with good transport links. As such, it is not considered that the proposals would result in a demonstrably adverse impact to highway safety or neighbouring amenity.

10.3 The application is granted subject to the following conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: TRD-2415 - A2/02.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

General conditions

02 The property shall have a maximum of 6no bedrooms and 6no occupants.

Reason: To protect the amenity of adjoining occupiers and in the interests of highway safety in accordance with Policies GP2 and GP4 of the NLDP.

03 Prior to the increase in bedroom numbers as hereby approved, cycle storage shall be provided in accordance with the approved plans and shall thereafter be permanently retained.

Reason: To ensure there is adequate parking storage in the interests of sustainability in accordance with Policies SP1 and GP4 of the NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: TRD-2415 - A2/02, TRD-2415 - A1/02.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP6, GP7, H8, T4, T5, 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.