

# Delegated Decision Report

<b>Application No:</b>	25/1011	<b>Statutory Period Expires:</b>	11th February 2026
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<b>Site:</b>	22 Crown Street Newport South Wales NP19 8FU		
<b>Proposal:</b>	CONVERSION TO A 7NO. BEDROOM HOUSE IN MULTIPLE OCCUPATION WITH PROPOSED FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS (PART RETROSPECTIVE)		
<b>Applicant:</b>	Wheatle		
<b>Type:</b>	Full	<b>Ward:</b>	Victoria
<b>Decision:</b>	REFUSED		

## 1. BACKGROUND

- 1.1 Planning permission was granted with conditions (07/0260) for “Conversion of Existing Detached Shared Dwelling to Student/Landlord Shared Accommodation” in 2007.
- 1.2 Those approved plans for the shared accommodation include a one bedroom flat at ground and first floor with external access onto the first floor terrace and the remainder of the property as having four bedrooms over the ground and first floors, with a small kitchen/dining area and two shower rooms with w/c. The property was previously a 3no. bedroom house.
- 1.3 A Building Control application (ref. FP/2009/0201) indicates that works may have commenced on the property around March 2009. However, the nature and extent of those works are not sufficiently clear to determine whether they amounted to a material commencement of development for the purposes of Section 56 of the Town and Country Planning Act 1990. The submitted Planning Statement refers to works having started but not being completed, yet provides no substantive detail regarding what was undertaken.
- 1.4 Following a site visit, there is no evident indication that a lawful commencement of the 2007 approved scheme has taken place. Furthermore, no information has been submitted to demonstrate that any qualifying works were carried out within the five-year period during which the permission remained capable of lawful implementation, that is before 10.05.2012.
- 1.5 In the absence of such evidence, the Local Planning Authority is unable to give any weight to the previous permission as an extant fallback position. The appropriate method for establishing whether the earlier permission has been lawfully commenced would be through the submission and approval of a Lawful Development Certificate (Existing).
- 1.5 Newport City Council HMO Licensing have confirmed that the application property has not previously been licensed as a HMO. It has also been confirmed that Council Tax records show the property has been used as one residential unit since assessment in 1997 and that it has been vacant for approximately 20 years.

## 2. SITE LOCATION AND CONTEXT

- 2.1 The site is a two storey detached building located along the northern side of Crown Street, in the Victoria ward.
- 2.2 The property has no curtilage or garden space other than a first floor terrace to the east. A garage is provided at ground floor and is directly accessed from the highway. To the north, the rear elevation backs directly onto the rear garden of 22 Victoria Avenue, to the east it adjoins the garden of 27 Crown Street and to the west it adjoins the curtilage of 21a Crown Street.
- 2.3 The surrounding area is residential predominantly in its character and comprises a mix of terraced, semi-detached and detached dwellings. To the western end of Crown Street is a public house.

## 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal is seeking planning permission for the conversion and extension of the existing property to a 7no. bedroom House in Multiple Occupation (HMO).
- 3.2 A HMO is a house occupied by people who are usually unrelated and have private bedrooms but shared facilities such as kitchens, living areas and bathrooms. The proposed 7no. bedroom HMO falls outside of the C4 Use Class, which allows between 3no. and 6no. unrelated occupants to reside and share amenities. It is classed as Sui Generis.
- 3.3 At ground floor there is 1no. bedroom with kitchenette and ensuite, 1no. bedroom with ensuite and a third bedroom with no additional facilities. There is also a communal kitchen and communal lounge and the existing garage is also to be converted into a store for bins and cycles that can be accessed internally via the communal lounge and externally via a roller shutter door. At first floor there are an additional 4no. bedrooms (1 with ensuite) and a w/c. A first floor terrace is provided as the external communal amenity space for the HMO and there is no other external space offered.
- 3.4 The first floor extension is a flat roof extension that measures 4.00 metres deep by 5.20 metres wide, to a height of 2.70 metres above the existing roof patio and 5.75 metres from adjacent ground level. External walls are finished in render and a window and door is included in the front elevation.

#### 4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
07/0260	Conversion of Existing Detached Shared Dwelling to Student/Landlord Shared Accommodation	Granted with Conditions	10.05.2007

#### 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.

6.2.12 A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants.

##### 5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

*Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.*

*Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.*

*Policy GP4 General Development Principles – Highways and Accessibility’ states that development proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.*

*Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.*

*Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.*

*Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health*

*Policy H8 Self Contained Accommodation and Houses in Multiple Occupation sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.*

*Policy T4 Parking states that development will be expected to provide appropriate levels of parking.*

*Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.*

#### 5.4 SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards SPG (Adopted August 2015)

Houses in Multiple Occupation (HMO) SPG (Updated January 2017)

Sustainable Travel SPG (July 2020).

House Extensions and Domestic Outbuildings (January 2020)

Waste Collection and Storage (December 2025)

#### 6. CONSULTATION RESPONSES

6.1 Dwr Cymru Welsh Water: No response.

6.2 Gwent Police: No response.

### 6.3 Highways:

The Design Statement says that the existing situation is a self-contained flat and four letting rooms as permitted by application 07/0260. The existing floorplan however shows what appears to be a three-bed house, with store and garage.

We note that the statement suggests that the works associated with the permission have commenced and that the property therefore has an extant consent for a flat and a four bed HMO. However, it appears that the works do not align with the approved plans. What has been built is different to what was shown on the approved plans, so we would request confirmation that this position is accepted by the planning case officer.

For the purposes of this commentary, we have assumed that there is an extant permission as described. If the extant position is not accepted the parking shortfall increases by an additional two spaces.

The extant plans are not entirely clear but are taken to be 5 bedrooms in all. The Parking SPG is based on room numbers not occupancy, therefore the extant situation requires five parking spaces, plus a visitor space and these are assumed to exist in policy terms. We note however that the consent from 2007 requires provision/retention of parking which we are unable to see details of, but the statement includes plans showing the garage used as parking.

On that basis converting the garage results in the loss of a parking space. The proposed unit provides seven rooms which is an increase of 2 bedrooms, resulting in a total shortfall of 3 parking spaces against policy requirements.

The area is controlled with resident only parking. This makes it clear that parking is problematic and whilst two parking permits could be issued that does not guarantee any spaces.

Should the permission be granted, the applicant would be required to make good and level the existing footway crossing. This does theoretically add on-street parking capacity, but it is slightly less than the equivalent of one space.

The applicant should note that these works require licence from the Highway Authority which is separate to and independent of planning legislation. The works must be completed at no cost to the authority.

Notwithstanding the loss of parking and related condition, the garage is proposed to be used for bin and cycle storage. This raises further objection. Cycle provision must be separate from bins and should also be secure and inclusive. Unless separate provision is made with Sheffield stands. it is just a bin store, and the development is contrary to cycle parking policy. Given the constraints we would need to see practical provision demonstrated in line with policy requirements and do not consider it appropriate to rely on conditions.

We would therefore offer an objection pending this detail and assessment of the parking situation.

6.4 HMO Licensing: No objection to originally consulted 6no. bedroom HMO. No response to reconsultation for 7no. bedroom HMO.

6.5 Environmental Health: No objection subject to conditions.

6.6 Waste Manager: No response.

6.7 Ecology: No response.

## 7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 18<sup>th</sup> December 2025 and a Site Notice was put up on 17<sup>th</sup> December 2025.

7.1 NEIGHBOURS: All properties within 50m of the application site (95no.) have been consulted and 30no. objections have been received. The main planning issues have been summarised below;

- Existing parking issues and development worsening the existing situation that would create greater risk of unsafe parking practices, reduced visibility and general highway safety concerns;
- The number of HMOs in the area and associated increased turnover of tenants and the impact the proposal would have on community cohesion and the residential family orientated character of the area;
- Concerns regarding increased risk of Anti Social Behaviour associated with the HMO;
- Concerns with the number of bedrooms contained within the HMO in relation to size of building;
- The lack of outdoor space which is restricted to a small roof terrace, which could create additional noise and disturbance;
- Concerns regarding increased waste being kept on street and resulting in clutter and environmental issues;
- Keeping waste internally, particularly during summer, would produce strong odours and attract vermin to the property

**Note: In comments received there are references to an inconsistency between the proposed description of development (6no. bedrooms) and the proposed plans (7no. bedrooms). The 7no. bedroom description was updated to match the plans and a new full 21 day neighbour consultation undertaken.**

7.2 COUNCILLORS HUSSAIN AND HORTON:

Councillor Hussain

I wish to formally object to the above application in my capacity as a Ward Councillor, due to significant concerns relating to highway safety, parking provision, cycle storage, residential amenity, and equality impacts.

The Highway Officer has raised clear objections regarding parking shortfall and non-compliance with policy. The Design Statement relies on an alleged extant permission under application 07/0260; however, the existing floor plans do not align with the approved drawings. This creates uncertainty over the lawful baseline position and undermines the assessment of the proposal. This matter must be resolved before the application can be properly determined.

Even if the claimed extant use were accepted, the increase to a seven-bedroom HMO would result in a shortfall of three parking spaces against the Council's Parking SPG, largely due to the loss of the garage. The property lies within a resident-only parking zone, where parking stress is already severe.

I have been contacted by residents, including households with disabled residents, who are already experiencing significant difficulty parking on Crown Street. I am aware of two disabled individuals living on the street, one of whom has mental health needs and another who has mobility-related disabilities and already struggles to find suitable parking close to their home. The intensification of this site to a seven-bedroom HMO will further exacerbate these difficulties and risks disproportionately impacting disabled residents who rely on reasonable access to on-street parking.

The proposal therefore raises concerns under the Public Sector Equality Duty, which requires decision-makers to have due regard to the impact of decisions on protected characteristics, including disability. In my view, the application fails to demonstrate that these impacts have been adequately considered or mitigated.

Further objection arises from the proposal to use the garage as combined bin and cycle storage. As confirmed by the Highway Officer, this arrangement is non-compliant with adopted cycle parking policy. Cycle storage must be secure, inclusive, and separate from

refuse storage, and no practical or policy-compliant solution has been demonstrated. This is not a matter that can reasonably be resolved by condition.

Taken together, the unresolved issues regarding the lawful extant use, the significant parking shortfall, the inadequate cycle provision, and the disproportionate impact on disabled residents indicate that the proposal represents an overdevelopment of a constrained site, to the detriment of the local community.

For these reasons, I respectfully request that planning permission for application 25/1011 be refused, should the planning Officer be minded to grant the application I would like it to come before the Planning Committee.

## 8. **ASSESSMENT**

### 8.1 **Principle of Development:**

8.1.1 The proposal is for the reuse of an existing vacant property within the urban boundary and located within a sustainable location. As such, the principle of development is considered to be acceptable, subject to the relevant material planning considerations being suitably addressed.

### 8.2 **HMO Concentration and Impact on Character and Appearance;**

8.2.1 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states; 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:

i) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;

ii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;

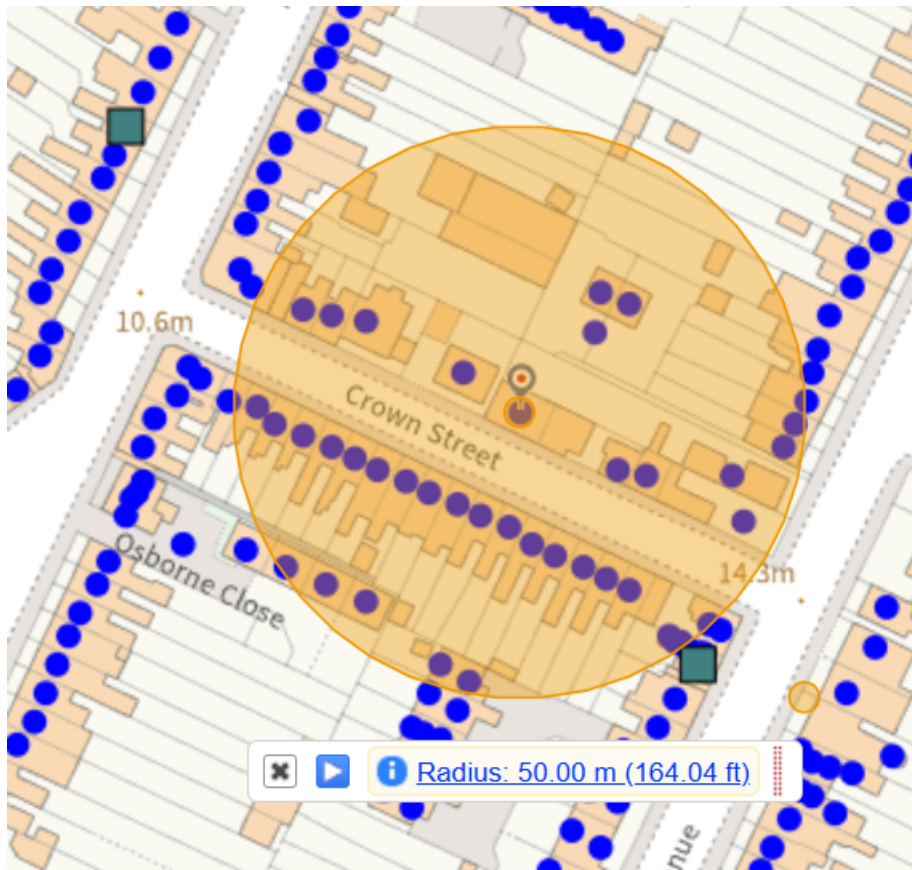
iii) adequate noise insulation is provided;

iv) adequate amenity for future occupiers.'

8.2.2 During the consultation period, local neighbour and Councillor objections have been received and have referenced concerns in relation to the impact of the proposed HMO on the existing residential character, social cohesion, general amenity and residential amenity of the local community within this area, as well as issues of anti social behaviour and fear of crime.

8.2.3 In support of Policy H8, the Council has adopted Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation, which provides further detail on how such applications are assessed. The SPG notes that clusters of HMOs can impact the composition of communities and detract from local visual amenity. To manage this, the SPG introduces thresholds beyond which HMOs are considered to negatively affect the character of an area. Specifically, the guidance sets a limit of 15% HMO concentration in defined areas and 10% in all other areas.

8.2.4 The application site falls within a 10% threshold area. A survey of the housing stock within a 50m radius of the site identifies the full front elevations of 26no. residential properties, of which no properties are a registered HMO, and equates to a current HMO concentration of 0%. The proposed development would introduce a first HMO within this radius, increasing the concentration to 4% and this is below the 10% threshold as set out within the adopted SPG. Consequently, HMO concentration levels are not grounds to refuse planning permission in this case.



**Figure 1 – 50m Concentration Threshold Test**

8.2.5 From undertaking the site visit there was no evidence to suggest that properties within the locality were in poor condition or not being maintained to a reasonable standard, which can sometimes be a sign of an overconcentration of HMOs or a general deterioration in social cohesion or civic pride giving rise to prejudicial effects on the character of an area. In conclusion, 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 criteria (ii) of policy H8 is met.

### 8.3 Residential Amenity

#### Future Occupiers

8.3.1 There have been concerns raised regarding the overdevelopment of the property as a 7no. bedroom HMO.

8.3.2 The existing floor plans of the property show there to be 3no. bedrooms, and the proposal would increase this to 7no. bedrooms and this is a significant increase. Each bedroom however is considered to be spacious (exceeding HMO Licensing size standards for 1no. occupant), would be served by an acceptably sized window that would provide outlook, natural light, ventilation and contribute to the perceived space of the bedroom. Bedroom 1, 2 and 4 would have their own ensuite facility and the other 4no. bedrooms would have access to a ground floor and first floor toilet/shower.

8.3.3 A communal kitchen (10.30sqm) and a communal lounge (12.30sqm) are provided at ground floor to the rear of the property. In accordance with the HMO License Standards the minimum size kitchen for 7 persons is 10sqm, so the kitchen design will marginally exceed this, and it is also noted that Bedroom 1 would have some limited facilities through provision of a 'kitchenette', albeit it is not clear exactly what facility this would contain. The communal lounge however is 1.70sqm short of the 14sqm space required for 7 persons in a shared house. It is also served only by one horizontally emphasised window in the rear elevation that would directly overlook the rear garden of 22 Victoria Avenue and it would not provide an acceptable provision of outlook, natural light or perceived space for a communal living

room that would be shared by up to 7no. residents. The kitchen has the same window concern. Furthermore, in the 2007 application there were concerns with windows in the rear elevation overlooking the garden directly to the rear and the kitchen window was amended to be high level and obscure glazed. The rear window serving this proposed living room currently serves the existing garage, which is not a habitable room. Now that this window would serve the living room for a 7no. bedroom HMO its use would intensify significantly and would be unacceptable on neighbouring amenity. Similarly, the kitchen would also only have a high level and obscured glazed window and if not obscured, would intensify the degree of overlooking to the neighbouring garden. In order to mitigate this harm, the windows serving the whole of the communal space(s) would need to be fitted with obscure glazing and this could be controlled by a planning condition. However this would not be acceptable as would not provide the living room and kitchen spaces with an adequate level of residential amenity for future occupiers.

8.3.4 It is also noted that the living room would contain a door that would open directly into the store for bins and cycles. Overall, the lack of space, adequate window size and physical link to a refuse store would not provide residents with an acceptable level of residential amenity.

8.3.5 Turning to external amenity, this is provided only through a first floor patio that can be accessed from the first floor landing as well as the patio doors serving Bedroom 7. The HMO SPG states;

*“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”*

8.3.6 The application site has no external curtilage or private garden area, and occupants would be entirely reliant on a first floor raised terrace measuring approximately 16sqm. This level of provision is not considered adequate for a 7no. bedroom HMO. It would be unreasonable to expect future residents to reside without access to a conventional outdoor garden space that can be used both for relaxation and for practical purposes, such as drying clothes.

8.3.7 The proposed shared terrace does not provide sufficient capacity to comfortably accommodate all occupants for their recreational or functional needs, as required by the adopted SPG.

8.3.8 In addition, Bedroom 6 is served by a single window that would directly overlook the shared amenity space, while the patio doors to Bedroom 7 would open immediately onto it. Occupants of these bedrooms could therefore be subject to noise and disturbance due to the close proximity of the communal area. It is reasonable to expect a higher standard of residential amenity for primary living and sleeping accommodation than that offered by the proposed arrangement.

8.3.9 For the reasons outlined above in relation to the size, layout and location of the communal lounge and kitchen and the size and location of the amenity space and its relationship with the bedrooms, the proposal fails to provide an acceptable level of residential amenity for occupiers of the HMO and is contrary to Policy GP2 and H8 (iv).

#### Neighbouring Residential Amenity

8.3.10 The proposed use of the first floor patio by up to 7no. occupants would represent a significant intensification over the existing arrangement. This increased level of occupation would be likely to result in greater comings and goings, as well as heightened levels of noise and disturbance arising from the frequent use of the space.

8.3.11 The patio is positioned immediately adjacent to the outdoor amenity area of 27 Crown Street and is elevated relative to it, and it is also located in close proximity to the rear garden of 22 Victoria Avenue. The submitted plans show a timber fence/guard, which appears consistent with the current arrangement. Nonetheless, the horizontal boarding contains gaps that allow direct views into the garden of 27 Crown Street. While it is acknowledged that this relationship presently exists, the proposed use of the terrace as a shared amenity area for 7no. residents

would materially intensify its use and exacerbate the level of overlooking and disturbance to an unacceptable degree.

8.3.12 It is considered that the proposal would give rise to increased noise and disturbance and loss of privacy and general amenity that would result in an unacceptable harm to neighbouring occupiers. This is contrary to Policy GP2 and H8(i).

#### 8.4 Highway Safety and Parking

8.4.1 The existing property has 3no. bedrooms and in line with the Council's adopted Parking Standards generates a parking demand of 3no. parking spaces. The property has a garage that is considered large enough to be classed as a parking space, and as such only 2no. parking spaces need to be found on street.

8.4.2 The proposed use will generate 1no. parking space per bedroom and 1no. visitor parking space per 5no. bedrooms. As such, it generates 8no. parking spaces and the garage is to be lost as part of the proposal. Therefore, 8no. parking spaces need to be found on street, which is an increase of 6no. on-street parking spaces over the previous use as a dwelling house.

8.4.3 A significant amount of objections received relate to concerns regarding the existing parking situation within the area and how this proposal will materially worsen the existing situation, and result in highway safety concerns. It is also noted that Crown Street is completely permit parking, as is a large portion of Albert Avenue and Victoria Avenue which are the two streets either end. This clearly demonstrates that existing parking within the area is problematic, a view that is also supported by the Council's Highways Officer.

8.4.4 There are many appeal decisions whereby Inspectors assume that car ownership in HMO properties will be lower and most notably in sustainable locations such as this site that is approximately 250m from the Maindee District Centre. Whilst the resident's frustrations in relation to parking availability are accepted and that the concerns raised are genuine, the fact on street space is not plentiful has not always proven to be a robust reason to refuse planning permission.

8.4.5 However, in this instance the proposed increase in parking demand is significant from the existing to proposed use and the application has not been supported by any evidence such as a Parking Survey to demonstrate parking can safely be accommodated on street. From the Officer's own site visits where parking demand has been very high, the permitting of spaces within the area and the strength of objection from local residents and the ward member, it is evident that parking stress and availability is a key legitimate concern in this location and no evidence has been provided in this application that would mitigate such a concern.

8.4.6 The Highways Officer has also objected to the provision and quality of cycle parking provided as it is being shared with the refuse area, rather than being secured provision i.e. Sheffield stands. Officer's do not have an objection in principle to using a shared area for refuse and cycle storage and it appears that had the plans shown details of Sheffield stands the objection would have been lifted. If planning permission was forthcoming then provision and details of Sheffield stands for cycle could be secured by a planning condition, and as such this itself would not warrant a reason for refusal in this instance.

8.4.7 Overall, the proposal will significantly increase on street parking demand and it has not been adequately demonstrated that this increase can be safely accommodated on street and without adversely impacting residential amenity. As such, the proposal results in a significant adverse impact on highway safety and residential amenity, contrary to Policy GP2, GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

#### 8.5 **Green Infrastructure & Biodiversity Enhancement**

8.5.1 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of

ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. PPW 12 states that having worked iteratively, in line with Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity.

- 8.5.2 The proposed development is for the change of use of the existing property and is minor in its nature, with no significant external works proposed that would impact on GI. PPW12 advises that a GIS should be proportionate to the scale of the proposal and in this instance this is considered to be the case. The site is contained to the footprint of the building and contains no GI. The proposed enhancement measure of a bird box in the side gable provides proportionate enhancement for a change of use application of this nature and requesting further measures via planning condition would not be necessary or reasonable and would fail to comply with the legal tests for planning conditions as set out in Welsh Government Circular 016/2014.
- 8.5.3 Subject to a planning condition securing the implementation of the bird nest box proposed the proposal is compliant with Policy GP5 of the NLDP 2011-2026 (adopted January 2015) and PPW12.

## 8.6 First Floor Extension

- 8.6.1 The proposal includes a first-floor side extension to the existing property that has been constructed. The extension incorporates a flat roof design, which does not accord with the guidance set out in the House Extensions and Domestic Outbuildings SPG, where it is advised that the roof form should reflect that of the host dwelling. In this case, however, the extension has replaced an existing store room that already featured a very shallow roof pitch that did not correspond with the main roof form. The extension is also set back significantly from the principal elevation, reducing its visibility within the streetscene and ensuring that it reads as a subordinate addition to the host property. The rendered finish further assists in integrating the extension with the existing dwelling.
- 8.6.2 Given the limited size and scale of the proposed extension, which is a modest increase to the existing first floor store, there is considered to be no adverse impact on neighbouring residential amenity through loss of light, overbearing effect or overlooking.
- 8.6.2 As such, the extension itself does not cause any harm on the character and appearance of the street scape or to the visual amenity of the property itself. As such, it is compliant with Policy GP6 of the NLDP 2011-2026 (adopted January 2015).

## 8.7 Refuse/Waste:

- 8.7.1 The Waste Storage and Collection SPG advises that;

*“All residential developments are required to provide adequate external storage for all dedicated waste streams; recycling (separate collections of cans/plastics, cardboard/paper and glass), garden waste, food waste and residual waste”*

and

*“Provision must be made for the total volume of all waste streams produced up to a 21 day period. It is not acceptable for waste to be stored for a long period of time within a dwelling. Adequate external storage space should therefore be provided for the dwelling it serves.”*

- 8.7.2 It is proposed that refuse storage will take place within the former garage space, that is labelled as a store on plans and can be accessed from Crown Street via a door and also is internally linked to the property via the communal living room. The proposed change of use from a dwelling house to a large HMO i.e. Sui Generis, is considered to result in a material increase in refuse/waste associated with the proposed use.

- 8.7.3 It is not considered that storing refuse in a location internally linked to the HMO is an acceptable solution due to the potential for odours and other environmental issues. As such, if permission were forthcoming, it would need to be controlled by planning condition that the internal access to the living room is blocked up prior to first use, to mitigate the harm.
- 8.7.4 Local residents have raised concern that occupants of the HMO would likely leave receptacles on street rather than utilise the proposed store. If this was the case, then as the property is changing from a dwelling house to a Sui Generis HMO, there would be an increased number of receptacles on street which might cause an issue.
- 8.7.5 However, subject to the condition being imposed regarding blocking up of the door and control over the provision of the annotated space as a waste storage area, it is considered that the applicant has proposed an acceptable arrangement for residents to use and despite concerns, there would not be any reasonable grounds to refuse planning permission in relation to refuse storage.
- 8.7.4 Subject to the condition, the proposal would comply with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

## **8.8 Section 106 Planning Obligation matters**

- 8.8.1 The proposal results in a nil net gain of residential units and as such there is no trigger for any planning contributions.

## **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 proposed development would result in an unacceptable level of residential amenity for its future occupiers, would result in an adverse impact on the residential amenity of neighbouring properties, matters of highway safety and an unacceptable provision of cycle and refuse storage.
- 10.2 The proposal is contrary to Policy SP1, GP2, GP4, GP7, T4, H8 and W3 of the NDLP 2011-2026 (adopted January 2015).
- 10.3 The application is refused.

## **11. DECISION**

### **REFUSED**

01 The proposal would have a significant adverse effect on interests of acknowledged importance, namely the residential amenity of future occupiers. This arises from the inadequate size and layout of the communal living space and lack of acceptable window openings, the poor functional quality of the external amenity space, and its direct relationship with Bedrooms 6 and 7, which would result in an unacceptable loss of privacy and increased noise and disturbance. No information has been submitted to mitigate these concerns. The proposal is therefore contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011–2026 and the Houses in Multiple Occupation SPG (2017).

02 The proposal will have a significant adverse effect on interests of acknowledged importance, namely the residential amenity of neighbouring occupiers by reason of the intensification of the use of the first floor external amenity space and noise, general disturbance and overlooking effects. No information has been submitted that mitigates this objection, contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Houses in Multiple Occupation SPG (adopted January 2017).

03 The proposal will have a significant adverse effect on interests of acknowledged importance, namely highway safety due to increased parking demand that cannot be met on street. No information has been submitted that mitigates this objection, contrary to Policies GP4 and H8 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Houses in Multiple Occupation SPG (adopted January 2017).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plan; KD2044 1 – Existing Floor Plans and Elevations; KD2044 2 – Proposed Floor Plans and Elevations; Revised Design Statement (17.12.2025); Green Infrastructure Statement; Design Statement.

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