



## Appeal Decision

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by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 05/02/2026

Appeal reference: CAS-04631-R3X2W0

Site address: 33 Walmer Road, Newport NP19 8NU

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Idriss Denou, against the decision of Newport City Council.
  - The application Ref 25/0306, dated 22 April 2025, was refused by notice dated 2 July 2025.
  - The development is the change of use of property from residential dwelling to 3no. bedroom HMO.
  - A site visit was made on 7 January 2026.
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### Decision

1. The appeal is allowed, and planning permission is granted for the change of use of property from residential dwelling to 3no. bedroom HMO at 33 Walmer Road, Newport NP19 8NU, in accordance with the terms of the application, 25/0306, dated 22 April 2025, subject to the conditions set out in the schedule to this decision letter.

### Procedural Matters

2. I have amended the description of development as stated on the application form so that it refers to development only.
3. The development has been completed; therefore, retrospective planning permission is sought under Section 73A(2)(a) of the Town and Country Planning Act 1990.

### Main Issues

4. These are the effect of the proposal on:
  - a. the living conditions of the prospective occupiers; and
  - b. whether the proposal would provide adequate waste and recycling storage and cycle parking provision.

### Reasons

5. The appeal site comprises a two storey, mid-terraced property with an external rear garden and small forecourt to the front, separating the dwelling from the pavement along Walmer Road. There is no dispute between the parties that the lawful use of the appeal

property is a three-bed residential dwelling. However, the property is currently in use as an unauthorised 3-bedroom house in multiple occupancy (HMO) and this appeal seeks to regularise that use.

### *Living Conditions*

6. Policy H8 of the Newport Local Development Plan (LDP) states that proposals to subdivide a property into a house in multiple occupation will only be permitted if, amongst other things, there is adequate amenity for future occupiers. Whilst the Council's Houses in Multiple Occupation Supplementary Planning Guidance (HMO SPG) advises that applicants should familiarise themselves with the licensing room size requirements, the HMO SPG itself does not specify space standards for HMOs, including bedrooms. It does, however, advise that rooms should be arranged and designed in a manner that maximises living standards for occupants.
7. Bedroom 3, as annotated on Floor Plans as Existing and Site Location Plan (drawing no: PL01, Rev. A), is modest in size. However, during my site visit I observed that it benefits from a large window and tall ceilings, resulting in a good level of natural light and outlook. Despite its size, the room can accommodate a single bed, a wardrobe and additional storage space at the foot of the bed, allowing it to function adequately as a single bedroom.
8. The property benefits from a generous provision of communal space, including a large lounge and reasonably sized dining room. Whilst the kitchen is more limited in size, it is supplemented by a separate utility space. The living room, dining room and kitchen are all served by reasonably sized windows and provide sufficient space for the limited number of occupants to cook, eat, relax and socialise simultaneously. The property also benefits from a reasonably sized rear garden, which is conveniently accessible to all occupants, and capable of providing outdoor amenity space as well as adequate space for drying clothes and other functional requirements, such as cycle storage. These factors are likely to reduce the reliance on individual bedrooms for these activities.
9. Whilst bedroom 3 falls marginally below the licensing space standards as cited by the Council, these standards are separate from the planning policy framework and should not be used in isolation to determine the quality of accommodation for planning purposes. Given my findings above and bearing in mind the HMO SPG does not set out space standards, I am not persuaded that the modest size of bedroom 3 would significantly undermine the overall quality of the accommodation. This is reinforced by the lack of objection from the Council's Environmental Health (Housing) Department together with the fact the appeal property benefits from an HMO license. I, therefore, conclude the proposal would have an acceptable impact on the living conditions of the prospective occupiers and accord with LDP Policy H8 and the objectives of the HMO SPG

### *Cycle Parking Provision and Waste and Recycling Storage*

10. The HMO SPG states that every HMO must provide storage space for refuse and recycling bins. The appellant confirms that the waste and recycling bins would be stored in the forecourt to the front of the appeal property, which I observed during my site visit to be of sufficient size and directly and conveniently accessible from the appeal property. I also noted that the majority of properties along the street utilise their front forecourts for bin storage, and I did not observe any evidence of poor waste management in the immediate area. Given the modest number of HMO occupants, I find it unlikely that the proposal would generate significantly more waste than the lawful residential use. This is supported by the Council's confirmation that the number and size of waste receptacles for the HMO would be comparable to those associated with the existing dwelling. Given

this, and in the absence of evidence to the contrary, I am not persuaded the proposed bin storage arrangements would be inadequate or that waste generated by the proposal would result in harm to residential amenity.

11. The Parking Standards Supplementary Planning Guidance (Parking Standards SPG) requires developments to make adequate provision for cycle storage. A secure and covered cycle store is proposed within the rear garden which could be comfortably accommodated within the outdoor space. Access to the store would require bicycles to be taken through the appeal property, via the dining room and kitchen. Whilst this is not an optimum arrangement and may be inconvenient for occupants, it is not uncommon in terrace housing and there is no substantive evidence that it would harm living conditions for occupants or deter occupants from using bicycles.
12. Consequently, I conclude that the proposal would provide adequate waste and recycling storage and cycle parking provision. This is in accordance with LDP Policy H8, which permits HMOs if, amongst other things, the scale and intensity of use will not cause an unacceptable reduction in the amenity of neighbouring occupiers, and it also aligns with the advice in the HMO SPG and Parking Standards SPG.

### **Other Matters**

13. I saw no evidence of poor property maintenance along the Walmer Road during my site visit. Whilst there is limited substantive evidence of on-street parking pressures along the street, I acknowledge competition for parking on terraced streets where properties do not benefit from dedicated parking can be high. Regardless of this, the evidence before me indicates that the proposal would have a comparable parking demand to the lawful residential use. Therefore, and in the absence of evidence to the contrary, I am not persuaded the proposal would materially affect existing local highway conditions, including parking pressures and the lack of objection from the highway Authority reinforces this view. The level of noise or disturbance associated with the proposal is unlikely to be significantly different in comparison to the lawful residential use, and no cogent evidence to persuade me otherwise has been presented.
14. The proposal would result in the loss of a family home; however, no substantive evidence has been presented which indicates this would be harmful to the character of the area, local infrastructure, community cohesion or safety. Furthermore, there is no substantive evidence presented which indicates the area currently suffers from high levels of anti-social behaviour or that the proposed HMO would result in an increase in such behaviour. In my view, the proposal would deliver the benefit of an additional low-cost housing option, which would support the provision of a range and choice within the housing market.

### **Conditions**

15. The proposal does not increase the roof area or add impermeable surface at the appeal property, therefore, the DCWW suggested condition to prevent surface water entering the public sewerage system is unnecessary. I am unclear of the number of bicycles that would fit in the proposed store; therefore, a condition is imposed to secure full bicycle store details. It is necessary to restrict the number of occupants to a maximum of three, ensuring that the quality of internal accommodation is maintained and that any increase in occupancy beyond can be appropriately assessed against relevant LDP policies. I have amended the wording of the biodiversity condition to make it more precise.

### **Conclusion**

16. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

17. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*L. Hughson-Smith*

INSPECTOR

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## SCHEDULE OF CONDITIONS

1. The development hereby permitted relates to the following plans:

- Site Location Plan
- Floor Plans as Existing and Site Location Plan (drawing no: PL01, Rev. A)
- Photographs of Ecological Mitigation

Reason: To ensure the development is in accordance with the approved plans submitted with the application.

2. The property shall have a maximum of 3no bedrooms and 3no occupants with no bedrooms at ground floor level.

Reason: To protect the amenity of occupiers, including in terms of flood risk, in accordance with Policies H8 and GP7 of the Newport Local Development Plan.

3. The approved ecological enhancement measures, which include a bat and bird box in the rear garden of the property, shall be retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Policy GP5 of the Newport Local Development Plan and Future Wales Policy 9.

4. Within six months of the date of this decision, full details of cycle storage, including a timescale for its implementation, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the approved cycle storage details shall thereafter be retained for the lifetime of the development.

Reason: To ensure there is adequate cycle provision at the property in the interests of sustainability in accordance with Policies SP1 and GP4 of Newport Local Development Plan.