

Planning Application 26/0620 — 7 Conway Road, Newport NP19 8PA Change of Use from C3 Dwelling to 4-Bedroom HMO (C4 Use) Submitted by: Craig Garrett, Newport Resident

1. EXECUTIVE POSITION

This objection is submitted in the strongest possible terms.

Application 26/0620 is:

- Materially identical to the previously refused application 25/0841
- Materially identical to the scheme dismissed by the Planning Inspectorate (CAS-04803-P7G8T5)
- Materially defective
- Materially misleading
- Materially non-compliant with policy
- Materially unsafe
- Materially harmful to amenity
- Materially harmful to well-being
- Materially harmful to highway safety
- Materially harmful to flood safety
- Materially harmful to the character of the area
- Materially abusive of the planning system

The application must be refused.

2. THE INSPECTOR'S DECISION — THE DETERMINATIVE MATERIAL CONSIDERATION

The Planning Inspectorate dismissed the previous appeal on 5 August 2026.

This decision is a material consideration of the highest statutory weight under:

- s.70 Town and Country Planning Act 1990
- s.38(6) Planning and Compulsory Purchase Act 2004

The Inspector found:

“The harm to amenity and well-being of future occupiers would be significant and is a compelling factor.” (Decision §31)

This alone requires refusal.

The Inspector further found:

“Bathroom facilities would not be arranged and designed in a manner that maximises living standards... This would have a significant adverse impact on amenity and well-being.” (Decision §16)

And:

“The proposed layout would not provide an adequate standard of amenity... contrary to the LDP policies cited in the Council’s reason for refusal.” (Decision §19)

And:

“Flood depths... predicted to reach 1.13m (1 in 200 year) and 2.05m (1 in 1000 year).” (Decision §17)

And:

“The risk management measures set out in the FCA would not overcome this deficiency.” (Decision §18)

And:

“Objectors’ concerns about overdevelopment of the property are sustained in part.”
(Decision §19)

And:

“Parking stress of 95%.” (Decision §26)

These findings destroy the resubmission.

The applicant’s Planning Statement misrepresents the Inspector’s decision.

This is a material misrepresentation and a procedural abuse.

3. PLANNING POLICY CONFLICTS

3.1 Newport Local Development Plan (LDP)

SP1 – Sustainability

Requires sustainable development.

Conflict:

- Severe parking stress (95%)
- Flood depths up to 2.05m
- Intensification in constrained terraced street • Inspector confirms harm to amenity and well-being (§31)

SP3 – Flood Risk

Requires avoidance of unacceptable flood risk.

Conflict:

- Flood Zone 3 (Sea)
- Highly vulnerable development (HMO) prohibited unless tests met • Inspector confirms FCA fails (§17–18)

GP2 – General Amenity

Requires protection of amenity.

Conflict:

- Inspector: “significant adverse impact on amenity and well-being” (§31) • Bathroom layout unacceptable (§16) • Overdevelopment concerns upheld (§19)

GP4 – Highways and Accessibility

Requires safe access and appropriate parking.

Conflict:

- 95% parking stress (§26)
- Emergency access concerns valid (§20)
- Daytime parking worse than applicant claims (§27)

H8 – Houses in Multiple Occupation

Requires:

- No harm to amenity
- No over-intensification
- Adequate internal layout
- Adequate parking

Conflict:

- Harm to amenity (§16–19, §31)
- Overdevelopment (§19)
- Parking stress (§26)
- Flood refuge inadequate (§17–18)

T4 – Parking

Requires compliance with Parking Standards SPG.

Conflict:

- Required: 4 spaces
- Provided: 0
- Shortfall: 4
- Inspector confirms severe stress (§26–28)

3.2 Supplementary Planning Guidance (SPG)

HMO SPG (2016)

Requires:

- Adequate amenity
- Proper room configuration
- Avoidance of over-intensification
- Safe layouts

Conflict:

- Bathroom layout fails SPG (§16)
- Overdevelopment concerns upheld (§19)
- Circulation through kitchen unacceptable (§16)

Parking Standards SPG (2012)

Requires:

- 4 spaces for 4-bed HMO in Zone 3

Conflict:

- Applicant provides 0
- Inspector confirms severe stress (§26)

3.3 National Planning Policy

Planning Policy Wales (PPW) – Edition 12 (2024)

Requires:

- Sustainable development

- Safe access
- Avoiding high flood risk
- Protecting amenity

Conflict:

- Flood Zone 3
- Severe parking stress
- Harm to amenity (§31)

3.4 Technical Advice Note 15 (TAN15)

HMOs = Highly Vulnerable

Requires:

- Safe access
- Safe refuge
- Acceptable consequences

Conflict:

- Flood depths 1.13m–2.05m (§17)
- FCA inadequate (§18)
- No safe refuge (§18)
- No safe access/egress

3.5 Well-being of Future Generations (Wales) Act 2015

Requires:

- Prevention of harm

- Improvement of well-being

Conflict:

- Inspector confirms harm to well-being (§31)

4. ADDITIONAL GROUNDS

4.1 Procedural Abuse

- Repeated resubmissions immediately after Inspectorate dismissal • Attempt to relitigate matters already determined • Misrepresentation of Inspector's findings • Attempt to overwhelm residents and the authority • Potential breach of Article 6 ECHR (procedural fairness)

4.2 Misleading Evidence

- FCA contradicts itself
- Parking Survey manipulated (00:30–01:01) • Sustainability Appraisal uses non-recognised scoring system • Planning Statement misquotes Inspector

4.3 Failure to Address Determinative Harm

Adding a WC does not resolve:

- Circulation harm
- Flood refuge harm
- Amenity harm
- Layout harm

- Overdevelopment harm

4.4 Material Change in Circumstances

None.

No new evidence.

No new modelling.

No new policy justification.

4.5 Abuse of Resubmission Mechanism

Materially identical application.

No lawful basis for acceptance.

4.6 Failure to Provide Accessible Documents

Planning portal inaccessible.

Breach of Article 12 DMPO 2012.

4.7 Cumulative Impact

Wider area already saturated.

Inspector only considered 50m radius.

4.8 Fire Safety & Refuge

No protected refuge.

No compliant escape routes.

No safe refuge in flood conditions.

4.9 Human Rights Act 1998

Article 8: protection of home and private life.

Article 1 Protocol 1: peaceful enjoyment of possessions.

Amenity harm engages both.

5. CONCLUSION — APPLICATION MUST BE REFUSED

Application 26/0620 is:

- Policy-non-compliant
- Inspector-contradicted
- Flood-unsafe
- Parking-unsafe
- Amenity-unsafe
- Procedurally abusive
- Materially misleading
- Materially identical to a dismissed scheme

It must be refused under:

- SP1
- SP3
- GP2
- GP4

- H8
- T4
- PPW
- TAN15
- Well-being of Future Generations Act
- Inspector's Decision CAS-04803-P7G8T5

Yours faithfully

Sent from my iPhone

I wish to submit a further objection to planning application 26/0620 for 7 Conway Road, following review of the revised plans and supporting documents. This follow-up is necessary because the applicant's claimed "improvements" do not constitute a material change and do not resolve the determinative harm identified by the Planning Inspectorate in CAS-04803-P7G8T5.

The applicant has added a first-floor WC/shower room without altering the number, size, or configuration of any of the four bedrooms. This has only been achieved by carving the WC out of the landing and circulation space, leaving all bedrooms entirely unchanged. No bedroom has been reduced, reconfigured, or repurposed. The intensity of occupation therefore remains identical to the previously refused and dismissed scheme.

This manoeuvre is purely cosmetic. It does not resolve the Inspector's findings that the internal layout fails to maximise living standards, fails to provide adequate amenity, and constitutes overdevelopment. The Inspector stated that the arrangement of bathroom facilities had a "significant adverse impact on amenity and well-being" (§16) and that the overall layout "would not provide an adequate standard of amenity" (§19). The revised scheme worsens circulation, narrows

escape routes, reduces fire and flood refuge capability, and intensifies the cramped internal environment already found harmful.

This alteration directly conflicts with Policy GP2 (General Amenity) and Policy H8 (Houses in Multiple Occupation), both of which require internal layouts to maximise living standards, provide adequate amenity, and avoid over-intensification. The proposal also remains in breach of Policy SP3 (Flood Risk), as the removal of circulation space undermines safe refuge and egress in a TAN15 Highly Vulnerable flood zone. The TAN15 Justification Test requires safe access, safe refuge, and acceptable consequences—none of which are achieved here.

The Inspector confirmed that flood depths at the property are predicted to reach 1.13m in a 1 in 200 year event and 2.05m in a 1 in 1000 year event (§17), and that the FCA's risk management measures "would not overcome this deficiency" (§18). Adding a WC upstairs does not create safe refuge, does not satisfy TAN15, and does not mitigate the flood consequences identified by Natural Resources Wales and the Inspector.

The proposal continues to breach Planning Policy Wales (Edition 12), which mandates protection of residential amenity and avoidance of high flood risk, and remains inconsistent with the HMO SPG (2016), which requires layouts that do not compromise circulation, safety, or amenity.

The resubmission is therefore materially identical to the dismissed scheme in all respects relevant to amenity, layout, circulation, refuge, intensity, flood risk, parking stress, and policy compliance. The addition of a WC created by cannibalising circulation space is not a material improvement; it exacerbates the very deficiencies identified by the Inspector.

For these reasons, the resubmission must be refused.

Yours faithfully

Sent from my iPhone