



Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI
an Inspector appointed by the Welsh Ministers
Decision date: 27/03/2026
Appeal reference: CAS-04572-Z7V2B7
Site address: 3 Clytha Crescent, Newport NP20 2EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ('the 1990 Act') against a refusal to grant planning permission.
 - The appeal is made by Sandeep Grewal against the decision of Newport City Council.
 - The application Ref 25/0364, dated 13 May 2025, was refused by notice dated 10 July 2025.
 - The development proposed is Change of use from single dwelling house to 6 bed HMO.
 - A site visit was made on 16 March 2026.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would preserve or enhance the character or appearance of Clytha Conservation Area (CA)
 - Whether the proposal would avoid unacceptable flood risks and consequences on residential occupants, and
 - The effect on the locality's character, amenity and social cohesion due to the resulting concentration in Houses in Multiple Occupation (HMOs).

Reasons

3. The proposal relates to a mid-terraced property situated within the Clytha CA. Although the terrace is predominantly residential in character, the site lies within the immediate environs of a busy thoroughfare which accommodates a mix of other uses.

Conservation Area

4. The terrace of which the appeal site forms part is formed of two-storey rendered properties with decorative keystones, sills and cornices framing well-proportioned and regularly placed windows and doors. In concert with the terrace south of Mountjoy Place, the consistency in the scale and design of front elevations affords Clytha Crescent a distinctive quality which contributes positively to the character and appearance of the CA.
5. Notwithstanding this, the principal visual change to the front elevation resulting from the appeal scheme would be the installation of four rooflights. As noted by the main parties, adjoining dwellings already feature rooflights which are visible from nearby viewpoints.

Nonetheless, I concur with the Council's Heritage Officer that, whilst the prominence of the four proposed rooflights could be lessened via a condition to secure flush-fitting and dark matt surrounds, their number and insensitive placement relative to the existing fenestration would not preserve or enhance the appearance of the dwelling, causing harm to the CA.

6. At appeal the appellant has submitted a revised design to reduce the number of rooflights and amend their placement, size and type. However, under section 78 (4BA) of the 1990 Act and article 26C of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, after an appeal has been served the proposal may not be varied other than in relation to a correctable error which does not affect the substance of the application. Whilst the proposed revision is limited in scope, it is nonetheless a material change to the scheme which represents a design evolution rather than the correction of an error. I have therefore not had regard to this revised design.
7. Whilst I recognise the benefit of securing the long-term viable use of a building which contributes to the significance of the CA, there is little to suggest that the appeal scheme is the least harmful means of securing that benefit, or that the existing use of the building is not viable. Consequently, I conclude that the proposal would conflict with the aim of policy CE7 of the Newport Local Development Plan (LDP) to preserve or enhance the appearance of CAs.

Flood risks and consequences

8. According to Natural Resources Wales's (NRW's) Flood Map for Planning, the appeal site lies within Flood Zone 3, where there is a greater than 1 in 200 annual probability of flooding from the sea. The site is not subject to protection by formal tidal defences.
9. In accordance with Technical Advice Note (TAN) 15 'Development, flooding and coastal erosion', a Flood Consequence Assessment (FCA) has been prepared. Whilst not founded on site-specific modelling, it uses publicly available flood depth and hazard mapping to estimate that flooding of up to 600mm in depth may reach the lower (rear) part of the site, with the rear garden and lower ground floor 'most at risk'.
10. In its representation, NRW advises that the lack of site-specific data such as predicted flood depths and velocities means that the FCA does not demonstrate that the acceptability criteria for flooding consequences set out in the TAN are met, including frequency thresholds and tolerable conditions. This advice appears to be based on bedrooms being proposed on the ground floor.
11. The appellant notes that the proposal would result in an existing bedroom being removed from the lower ground floor, and that the proposal would therefore reduce risks to occupants. Whilst there is merit to that argument, bedrooms within an HMO provide accommodation specific to their inhabitants whereas in its current use as a single family dwelling occupants would likely have greater flexibility and choice of where to sleep and keep their belongings. The consequences of a flood event on occupants would not therefore be directly comparable. In any case, the proposal would result in the number of bedrooms at ground and below-ground floor level increasing from 1 to 2, and that appears to be the basis for NRW's concern.
12. TAN 15 says that the FCA must be proportionate to the nature and scale of the proposal, with paragraph 11.8 indicating that the identified thresholds may be applied with more flexibility for redevelopment, changes of use and conversions: a definition which would include the proposal before me. However, it also says that before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the established risk-based approach.

13. In response to the Council's and NRW's position, the appellant has submitted an addendum to the FCA. I do not consider that this authoritatively demonstrates that the acceptability criteria are met. The reference to an 'interpretation' of a raster layer raises doubt as to suitability of the source data. It is unclear why a 1 in 100-year event layer has been used for a development type which is highly vulnerable to tidal flooding, at variance to the threshold referred to in the TAN. I note that assumptions regarding ground floor flooding are based on publicly available LiDAR data rather than site-specific topographic survey. The reference to NRW's National Flood Hazard Maps, instead of to local flood models, raises further doubt as to the robustness of the conclusions reached in the FCA addendum.
14. I am therefore not persuaded that the evidence is definitive. Irrespective of the proposed evacuation plan and the availability of refuge on upper floors, I conclude that the proposal would give rise to unacceptable flood risks and consequences, in conflict with the objectives of LDP policy SP3 and TAN 15.

Effects of a concentration of HMOs

15. The proposal would take the proportion of HMOs within the existing housing stock in a 50m radius of the site to 16%, one percentage point above the 'limit' of 15% identified in the Council's 'Houses in Multiple Occupation' Supplementary Planning Guidance (SPG). This exceedance would be lower than the other appeal schemes in Newport cited by the Council and subject to a different policy framework to the schemes referred to in Swansea. Whilst breaching the identified threshold, the infringement would be minor. The SPG is, in any case, merely guidance to support the application of LDP policy H8.
16. Notwithstanding the evidence to support the identified threshold, the mix of uses in the immediate area inexorably limits the number of dwellings within a 50m radius. These local circumstances contrast with the 'worked example' in the HMOs SPG where the assessment area is predominantly residential in character. In the case before me, raising the number of HMOs from 1 to 2 within an area typified by a mix of uses would have little discernible effect on its character. Furthermore, I attach significant weight to the representation of the 'Designing Out Crime' Police Officer which does not raise any clear objection to the proposal due to the current crime/incident rate. Consequently, I am satisfied that there would be no adverse effect on social cohesion.
17. A condition to secure appropriate cycle parking would ensure that travel modes other than the private car were a feasible option for occupants. I have no reason to take a contrary view to the Council that the proposed HMO would be acceptable in terms of the amenity of existing and future residents, including in relation to noise and disturbance. I also concur with the Council that as the waste generated would be similar in volume and storage to the existing use there would be no harm in this regard. I find no evident conflict with the advice in the Council's Waste Storage and Collection SPG.
18. I therefore conclude that the proposal would accord with the objectives of LDP policies GP2 and H8 which seek to avoid adverse impacts on social cohesion, the character of the locality and general amenity.

Other Matters and Conclusion

19. I acknowledge the benefits of the proposal in providing affordable accommodation for key workers within a highly accessible location, close to city centre services, public transport options and major employers, including the Royal Gwent Hospital. It would also reuse an existing building, supporting the efficient use of the existing building stock and making sustainable use of resources. I have also found that the proposal would not give rise to a harmful concentration of HMOs.

20. However, these and the other matters raised do not outweigh the harm to the Clytha CA and from flooding risks and consequences. For the stated reasons I therefore conclude that the appeal should be dismissed.
21. 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.

Paul Selby

INSPECTOR