



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 12/06/2026

Appeal reference: CAS-04808-Y8X5K9

Site address: 19 St Mary Street, Newport NP20 4DG

- 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 Miti Ahuja, A3M Limited, against the decision of Newport City Council.
 - The application Ref 25/0648, dated 10 August 2025, was refused by notice dated 23 October 2025.
 - The proposed development is the change of use from 1no. three-bedroom flat and 1no. four-bedroom flat to 1no. 6-bedroom house in multiple occupation.
 - A site visit was made on 17 April 2026.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as stated on the appeal form and Council's decision notice, rather than the original application form, since it is more accurate.

Main Issue

3. This is the effect of the proposal on the living conditions of the prospective occupants.

Reasons

4. The appeal property is a traditional terraced property located on St Mary Street, on the outskirts of Newport city centre. There is no dispute between the parties that the property has a lawful use as a three-bedroom flat on the ground floor and a four-bedroom flat across the first floor and roof space. The proposal seeks to change the use of the building to a six-bedroom house in multiple occupation (HMO), including three bedrooms, a bathroom and a kitchen at ground floor level, with a further three bedrooms, bathroom facilities and a second kitchen on the upper floors. It also includes an approximately 50m² external amenity space, with separate cycle and bin storage provided within an existing outbuilding located along the rear boundary.
5. Policy H8 and Policy GP2 of Newport City Council's Local Development Plan (LDP) require, amongst other things, that developments have adequate amenity for future occupiers. The Council's Houses in Multiple Occupation Supplementary Planning Guidance (HMO SPG) advises that, amongst other things, rooms should be arranged and designed in a manner that maximises the living standards of occupants, and that kitchens

and bedrooms should not face high boundary walls. The HMO SPG also states that proposals should provide outdoor amenity spaces in which residents can relax, dry their clothes and store refuse and recycling bins.

6. The proposed rear outdoor amenity area would be generous in size. Although it lacks soft landscaping, it would nevertheless provide useable external space for prospective occupants to relax and dry their clothes. It would also accommodate adequately sized cycle and bin storage facilities.
7. I recognise that access to this space and the storage facilities would not be optimal, as it would involve steps and a narrow, enclosed pathway to the side of the appeal property. This would create some inconvenience for prospective occupants, particularly when moving bins and cycles between the rear of the property and the street frontage.
8. However, stepped access to rear gardens is not unusual for terraced properties, nor is reliance on rear gardens or outbuildings for secure cycle storage. Moreover, the availability of an external route, albeit a constrained one, would avoid the need for occupiers to take bicycles through the internal living accommodation, which in itself can be inconvenient. Given this, I am not persuaded the access is so inconvenient or impractical that it would discourage prospective occupants from regularly using the space for amenity purposes and storage, particularly bicycles.
9. Whilst bin storage is provided, I am conscious that during my site visit I observed that bins were commonly stored to the front of properties on this part of St. Mary's Street. This suggests that, in practice, occupiers may favour front bin storage over moving bins to and from the rear gardens, and I note this concern has been raised by local residents and Local Councillors.
10. Nevertheless, front bin storage already forms part of the established pattern of waste storage in the immediate area. Having regard to the scale of the proposed accommodation, which is unlikely to generate significantly more waste than similarly sized single household properties, there is no substantive evidence that increased bin storage requirements would arise. I am therefore not persuaded that any front bin storage associated with the proposal would materially alter the existing conditions or result in notable harm. This conclusion is reinforced by the absence of any objection from the Highway Authority.
11. I have had regard to the Council's concerns in respect of inclusive design and acknowledge that the stepped and narrow nature of the route would not provide an ideal or fully accessible access to the outdoor space for all users, including those with reduced mobility. However, the appeal relates to the change of use of an existing terrace property where the relationship between the building and the external space, including access, is established and already constrained. With this in mind, I am not persuaded that the access arrangements would be so poor as to prevent meaningful use of the external space, or that this matter would justify withholding planning permission.
12. Turning to the quality of the proposed internal accommodation, the appellant contends that the proposed HMO accommodation would be appropriate in its dense urban location and that all room sizes, including bedroom 3 and the ground floor kitchen, would exceed the minimum licensing space standards. I also note that the Council's HMO Licensing Officer has not objected to the proposal. However, compliance with licensing standards, which operate under a separate regulatory regime, does not, in itself, demonstrate that the overall quality of accommodation would be acceptable in planning policy terms, particularly with regard to LDP Policies H8 and GP2.
13. The rear garden sits at a significantly higher ground level than the ground floor of the appeal property. As a result, the windows serving Bedroom 3 and the ground floor

kitchen would be positioned in very close proximity to a substantial retaining wall. Whilst these windows would be south facing, the benefits of this orientation would be significantly diminished by the limited separation from the retaining wall and the enclosure created by the roof structure, notwithstanding the presence of roof lights. Whilst no technical daylight or sunlight assessment has been undertaken, I observed during my site visit that the height and proximity of the retaining wall, combined with the enclosed nature of the intervening space, results in a gloomy and oppressive environment within bedroom 3 and the ground floor kitchen.

14. I acknowledge that two kitchens are proposed within the HMO. However, the ground floor kitchen would represent the only communal space available at that level and, as such, is likely to be used frequently by occupiers of the ground floor bedrooms, including Bedroom 3, due to its convenience. This is further supported by the fact that the upper floor kitchen would not be internally accessible from the ground floor accommodation and could only be reached externally via the amenity space. In practice, I consider it unlikely that the upper floor kitchen would be used regularly by ground floor occupiers, particularly given the frequency with which such facilities are typically used.
15. Consequently, the occupier of the bedroom would only have convenient access to internal spaces which suffer from poor outlook, restricted natural light and an oppressive sense of enclosure. These conditions would fail to provide an adequate standard of internal accommodation and would result in unacceptable living conditions for the prospective occupier of bedroom 3. For this reason, and despite finding the external amenity space, and the bin and cycle storage facilities to be adequate, I conclude that the proposal would cause unacceptable harm to the living conditions of future occupants. This would be in conflict with LDP Policies GP2 and H8 and be contrary to the objectives of the HMO SPG.
16. The appellant contends that, as Bedroom 3 and the ground floor kitchen are already in use for those purposes within the lawful ground floor flat, the proposal would result in living conditions no worse than the planning fallback position.
17. During my site visit, I observed that the property is in need of some renovation and repair. Nonetheless, it remains clearly capable of use as two flats and, in the absence of the proposed HMO, I consider that there is a realistic prospect that the two units could be brought back into use.
18. I acknowledge that the relationship between the ground floor rooms and the retaining wall would remain broadly similar, and that the proposal would rationalise the layout, reduce bedroom numbers and improve bathroom provision. However, under the existing lawful use, the bedroom and kitchen form part of a self-contained flat with access to a separate living room (drawing no. PL01) that benefits from a reasonable outlook and good natural light. This provides an alternative internal space away from the more constrained environment.
19. The proposed HMO would materially alter this arrangement. The occupier of Bedroom 3 would be largely reliant on their bedroom, with the only conveniently accessible shared space being the ground floor kitchen, which is similarly constrained. This would result in a poor-quality day-to-day living environment for the occupier of bedroom 3. In these circumstances, the fallback position would provide materially better living conditions and does not justify the identified harm or alter my conclusion above.

Other Matters

20. I note the benefits of the proposal as cited by the appellant, including the provision of low-cost, single-person accommodation that would support the range and choice in the

housing market. However, given the small-scale nature of the proposal, the scope of any benefits would be limited and does not outweigh the harm I have identified above.

Conclusion

21. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
22. 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