

# Delegated Decision Report

|                        |                                                                                                                                                                        |                                  |                      |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------|
| <b>Application No:</b> | <b>26/0284</b>                                                                                                                                                         | <b>Statutory Period Expires:</b> | <b>5th June 2026</b> |
| <b>Site:</b>           | <b>22 Crown Street Newport South Wales NP19 8FU</b>                                                                                                                    |                                  |                      |
| <b>Proposal:</b>       | <b>CONVERSION TO A 6NO. BEDROOM HOUSE IN MULTIPLE OCCUPATION WITH PROPOSED FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS (PART RETROSPECTIVE) (RESUBMISSION)</b> |                                  |                      |
| <b>Applicant:</b>      | <b>Wheatle</b>                                                                                                                                                         |                                  |                      |
| <b>Type:</b>           | <b>Full</b>                                                                                                                                                            | <b>Ward:</b>                     | <b>Victoria</b>      |
| <b>Decision:</b>       | <b>REFUSED</b>                                                                                                                                                         |                                  |                      |

## 1. BACKGROUND

### 1.1 The Lawful Use/Fallback

- 1.1.1 Planning permission was granted with conditions (07/0260) for “Conversion of Existing Detached Shared Dwelling to Student/Landlord Shared Accommodation” in 2007.
- 1.1.2 Those approved plans for the shared accommodation include a one bedroom duplex type flat at ground floor 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.
- 1.1.3 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.
- 1.1.4 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.
- 1.1.5 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).
- 1.1.6 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.

### 1.2 Previous Application

- 1.2.1 Planning application reference 25/1011 was validated on 17<sup>th</sup> December 2025 for the “Conversion to a 7no. Bedroom House in Multiple Occupation with Proposed First Floor Side Extension and External Alterations (Part Retrospective)”. The application was refused on 5<sup>th</sup> February 2026 for the following reasons;

1. *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).*

2. *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).*
3. *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).*

### 1.3 Accuracy of Submitted Plans

- 1.3.1 The submitted plans previously submitted for 25/1011 showed the existing layout of the property as having 3no. bedrooms, however the existing layout plans submitted with this current application are more akin to the approved 07/0260 layout. As outlined in Section 1.1 of this report, the LPA is of the view that the 07/0260 permission was not implemented, and that the existing 'fallback' layout for the property is as per the 3no. bedroom layout previously submitted.

## 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 6no. 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 6no. bedroom HMO falls within the C4 Use Class, which allows between 3no. and 6no. unrelated occupants to reside and share amenities.
- 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 split cycle and refuse store that can be accessed internally via the communal lounge and externally via a roller shutter door. At first floor there are an additional 3no. bedrooms (1 with ensuite), a communal lounge 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. A timber fence is proposed around the perimeter of the patio.

#### 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    |
| 25/1011    | Conversion to a 6no. Bedroom house in multiple occupation with proposed first floor side extension and external alterations (part retrospective) (resubmission) | Refused                 | 05.02.2026    |

#### 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 Welsh Water Dwr Cymru: No objection.

6.2 Gwent Police: No response.

6.2 Highways:

Highway Recommendation: Not policy compliant.

The applicant suggests that the extant situation is a four-bedroom HMO plus a flat and has amended the plans to give that impression. We understand from the Planning Officer however that this is not an accepted position, and nothing has been submitted to support this stance.

The relevant plans are therefore effectively the same as the previous application which indicate three-bed house. This would require 3 spaces but has an integral garage, so that equates to a need for two on street spaces. The proposed layout provides a 6 bed HMO with

cycle parking. Based on the SPG this requires seven on street spaces, which is five more than the extant consent.

A parking survey has been provided that includes photographic evidence of available on street parking nearby. The report includes parking on junctions and disability bays, so is not considered accurate, but the photo's show mostly legitimate spaces. We therefore conclude that the parking stresses are higher than suggested, but that there is some capacity.

The actual capacity is difficult to ascertain from the photos and the report does not provide the detail of space lengths. The measurements are not reliable unless everybody parks neatly in 5m slots. We would estimate that with the development adding an additional demand of five spaces (SPG requirements) the stress levels would be around 80% taking account of minor differences between our assessment and the applicant's assessment.

This is clearly high and would impact amenity but is not sufficient to result in a sustainable objection on parking or safety grounds.

The cycle parking is accessed via the bin store, which is far from ideal in terms of encouraging cycling. We would also have concerns about the door/rack positions/clearances, but a workable solution is clearly possible. This should be secured by way of condition prior to occupation.

In summary there are no highway related objections, subject to the following conditions.

Suggested Conditions:

The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for cycle parking have been provided in accordance with the details and specifications shown in drawing number KD2044/2A. The cycle parking shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

A scheme to permanently close off the existing vehicular access (footway crossing) and provide level footway on Crown Street shall be submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use unless otherwise agreed in writing by the Council as Local Planning Authority.

Reason: To maintain the proper construction of the highway in the interests of road safety.

6.3 HMO Licensing: No objection.

6.4 Environmental Health: No response.

6.5 Ecology: No response.

6.6 Waste: No response.

## **7. PUBLIC REPRESENTATIONS**

Neighbour and Ward member notification letters were sent on 24<sup>th</sup> April 2026 and a Site Notice was put up on 1<sup>st</sup> May 2026.

7.1 NEIGHBOURS: 94no. properties were consulted and 22no. responses were received, all in objection to the application. A summary of the material planning considerations raised is listed below;

- Existing parking issues and development worsening the existing situation that would create greater risk of unsafe parking practices, reduced visibility, increase risk to pedestrians and general highway safety concerns;
- Concerns around the validity and accuracy of the parking survey as well as the time it has been undertaken;

- 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 due a loss of a family home;
- Concerns regarding increased risk of Anti Social Behaviour associated with the HMO;
- Overdevelopment of the existing building by increasing the number of residents in excess of what is characteristic for this street, resulting in increased noise, disturbance, activity and comings and goings;
- The roof terrace presents significant issues of overlooking and loss of privacy, allowing direct views, increase noise and disturbance to neighbouring amenity;
- 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;
- The reduction of one bedroom does not overcome the previous reasons for refusal.

## 7.2 COUNCILLOR HUSSAIN:

I am writing to formally object to the proposed HMO development at 22 Crown Street NP19 8FU and raise several concerns regarding the resubmitted plans and the overall suitability of the proposal.

Having reviewed the latest resubmission application, I remain concerned that the proposal represents an overdevelopment of the site which would result in poor detrimental impact on neighbouring residential amenity and the wider character of the area.

The internal layout appears heavily constrained and excessively subdivided, with limited communal living space provided for the likely number of occupants. The proposal appears to prioritise maximising occupancy levels over delivering an acceptable standard of accommodation for future residents.

Several rooms also appear small and awkwardly configured, and it is unclear whether all bedrooms meet the minimum space standards expected for HMO accommodation.

I also have concerns regarding the adequacy of the communal and outdoor amenity provision, the patio area shown on the plans appears limited and unlikely to provide meaningful amenity space for multiple occupants. Similarly, the plans do not appear to clearly demonstrate adequate storage, recycling facilities, cycle storage or general resident storage arrangements, all of which are important considerations for high-occupancy accommodation.

In addition, the internal arrangement raises concerns regarding fire safety and means of escape, particularly given the apparent reliance on a single staircase and the constrained nature of the circulation routes. Whilst Building Regulations will address technical compliance matters, the intensified occupation proposed here raises legitimate planning concerns regarding the suitability of the layout.

The proposed would also likely exacerbate existing parking pressures within the area, particularly if existing garage or off-street parking provision is reduced or lost. Crown Street and the surrounding roads already experience parking congestion, and further intensification through additional HMO accommodation risks worsening the situation considerably.

More broadly, I remain concerned regarding the cumulative impact of HMO's within the locality and the effect that intensified occupation can have on residential amenity, including increased noise, disturbance, transient occupancy, waste management issues and pressure on local infrastructure.

As there appears to remain a number of unresolved concerns relating to the scale, layout and overall quality of the proposed accommodation, I respectfully request that the application be refused, should you be minded to approve the application, I would also formally request that the matter be referred to Planning Committee for determination due to significant level of local concern and the material planning issues raised.

COUNCILLOR HORTON: No response.

## 8. **ASSESSMENT**

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

- 8.1.1 The proposal is for the reuse of an existing vacant residential property within the urban boundary and located within a sustainable location. As such, in line with Policy SP1 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;**

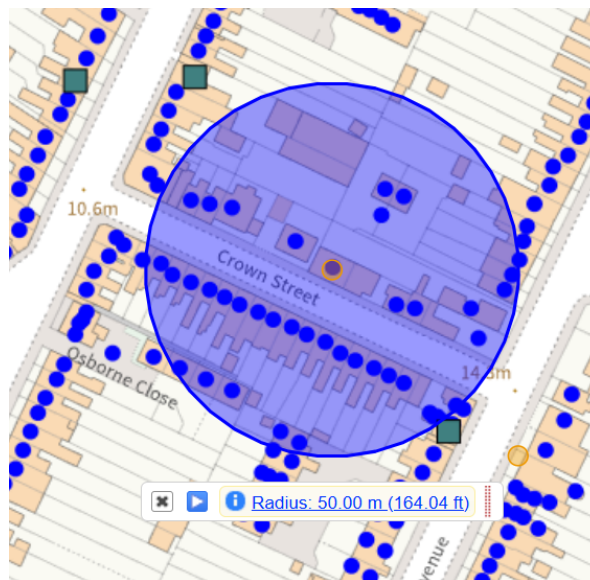
- 8.2.1 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states; 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:

- 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 HMO Threshold Test**

8.2.5 It is noted that since the determination of the previous application, a HMO license has been issued at 68 Albert Avenue, however this is not within the 50m radius of the application site and does not impact the assessment as per the SPG.

8.2.6 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 a an overconcentration of HMOs or a general deterioration in social cohesion or civic price 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 criterion (ii) of policy H8 is met.

### 8.3 Residential Amenity:

8.3.1 There have been concerns raised regarding the overdevelopment of the property as a 6no. bedroom HMO and that the removal of one bedroom from the proposed scheme does not overcome the previous reasons for refusal, one of which related to the unacceptable amenity for future occupiers and another the adverse impact on neighbouring amenity.

#### Future Occupiers

8.3.2 The proposed bedrooms are considered to be acceptable in terms of their size and layout, with each comfortably exceeding the minimum HMO Licensing space standards. Three of the bedrooms have their own ensuite and the remaining three each share one w/c at first floor and a shower room and toilet at ground floor.

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 and a first floor communal lounge measuring 13.30sqm is also now proposed, in replacement of the former seventh bedroom. In accordance with the HMO License Standards the minimum size kitchen for 6 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.

8.3.4 A communal living room for up to 6 persons should be a minimum of 12sqm. The ground floor communal lounge does just exceed this, however it is only served by one horizontally emphasised window in the rear elevation that is shown as being obscure glazed to mitigate the impact on the rear garden of 22 Victoria Avenue, to which it directly overlooks. This would not provide an acceptable provision of outlook, natural light or perceived space for a communal living room of an HMO. However, the newly introduced first floor living room measures 13.30sqm and is served by a window that looks onto the communal terrace area. Notwithstanding the limitations of the ground floor communal living room, this room is

considered as being acceptable and would offer sufficient provision for the 6no. occupants. The ground floor communal living room would still serve a function for residents and in fact better relates to the ground floor kitchen and more likely to act as a dining space for example, however the space is poor by reason of both the kitchen and dining/living areas having no outlook at all.

8.3.5 The kitchen space would be utilised by all residents and over and above the obscure glazing point, its window is a high level opening to mitigate harm on the rear garden of 22 Victoria Avenue. This will impede natural light to the space over and above the lack of outlook concern and this would not provide residents with a sufficient level of residential amenity. The kitchen is a primary amenity space for an HMO and residents should reasonably expect to be able to prepare food and socialise in an area that is well served by natural light, has outlook and an acceptable level of perceived space, which is not the case with this layout.

8.3.6 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 6. The space is surrounded by 1.8m fencing and has 2 sets of double doors opening onto it as well as a pedestrian access from the landing. 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 6no. 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. Bedroom 6 has patio doors that immediately open onto the communal space and it is considered that the occupier of this room could therefore be subject to a lack of privacy, noise and disturbance given the direct 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.

8.3.8 For the reasons outlined above in relation to the unacceptable kitchen arrangement and the size and location of the communal amenity space and its relationship with bedroom 6, 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

8.3.9 The proposed use of the first floor patio by up to 6no. individual occupants (as well as the potential for guests/visitors) would represent a significant intensification over the existing arrangement. This increased level of occupation and use 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.

8.3.10 The patio is located directly adjacent to the outdoor amenity space of No. 27 Crown Street, at a higher level, and lies in close proximity to the rear garden of No. 22 Victoria Avenue. The submitted plans indicate the provision of a solid timber fence/guard to a height of 1.80 metres above the finished patio level. This enclosure is shown to be continuous, without gaps as currently exist, and would therefore reduce opportunities for overlooking of neighbouring properties, which was a key concern in the previous application.

8.3.11 Notwithstanding this, the elevated patio area, although existing, remains uncharacteristic within Crown Street and the surrounding context. It is considered that the intensified use of this space by six unrelated adults would result in unacceptable levels of noise and disturbance, particularly given its raised position and immediate proximity to neighbouring

dwelling. As such, the proposal would give rise to a harmful impact on the residential amenity of surrounding occupiers, contrary to Policies GP2, GP7 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 7no. parking spaces and the garage is to be lost as part of the proposal. Therefore, 7no. parking spaces need to be found on street, which is an increase of 5no. on-street parking spaces over the previous use as a dwelling house.

8.4.3 Under the previous planning application 25/1011 for a 7no. bedroom HMO at the site no evidence was submitted through a parking survey to demonstrate that additional parking generated could be safely accommodated on street. The application was refused, with the third reason for refusal stating;

*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).*

8.4.4 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.

8.4.5 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.

8.4.6 A Parking Survey has now been undertaken and submitted in support of this current application. The survey broadly follows the Lambeth Methodology, which is considered to be good practice, and covers a 200m walking distance from the site. It was undertaken on Tuesday 17<sup>th</sup> March 2026 at around 02:30am and on Wednesday 18<sup>th</sup> March 2026 at around 01:30am. The survey includes time stamped photographs that also label the location they were taken. The two tables below outline the findings;

| <b><u>STREET</u></b>          | <b><u>Available Parking Length (M)</u></b> | <b><u>Total Spaces</u></b> | <b><u>Number of Cars</u></b> | <b><u>% of Available Spaces Occupied</u></b> | <b><u>Notes</u></b> |
|-------------------------------|--------------------------------------------|----------------------------|------------------------------|----------------------------------------------|---------------------|
| <b><u>Date - 17/03/26</u></b> |                                            |                            |                              |                                              |                     |
| Crown Street (N)              | 82.5                                       | 15                         | 9                            | 6                                            |                     |
| Crown Street (S)              | 90.9                                       | 18                         | 13                           | 5                                            |                     |
| Albert Ave (E)                | 212.1                                      | 42                         | 28                           | 14                                           |                     |
| Albert Ave (W)                | 215.7                                      | 48                         | 29                           | 19                                           |                     |
| Victoria Ave (E)              | 236.6                                      | 45                         | 42                           | 3                                            |                     |
| Victoria Ave (W)              | 216                                        | 41                         | 40                           | 1                                            |                     |
|                               |                                            |                            |                              |                                              |                     |
| <b><u>TOTAL</u></b>           |                                            | <b><u>209</u></b>          | <b><u>161</u></b>            | <b><u>77%</u></b>                            |                     |

**Figure 2 – Parking Survey Table 17<sup>th</sup> March 2026**

|                               |       |                   |                     |                     |  |
|-------------------------------|-------|-------------------|---------------------|---------------------|--|
|                               |       |                   |                     |                     |  |
| <b>Date - 18/03/26</b>        |       |                   |                     |                     |  |
| Crown Street (N)              | 82.5  | 15                | 11                  | 25                  |  |
| Crown Street (S)              | 90.9  | 18                | 10                  | 84                  |  |
| Albert Ave (E)                | 212.1 | 42                | 28                  | 22                  |  |
| Albert Ave (W)                | 215.7 | 48                | 29                  | 78                  |  |
| Victoria Ave (E)              | 236.6 | 45                | 40                  | 73                  |  |
| Victoria Ave (W)              | 216   | 41                | 40                  | 10                  |  |
|                               |       |                   |                     |                     |  |
| <b><u>TOTAL</u></b>           |       | <b>209</b>        | <b>158</b>          | <b>75.6%</b>        |  |
|                               |       |                   |                     |                     |  |
| <b><u>TOTAL (Average)</u></b> |       | <b><u>209</u></b> | <b><u>159.5</u></b> | <b><u>76.3%</u></b> |  |

**Figure 3 – Parking Survey Table 18<sup>th</sup> March 2026**

8.4.6 Upon review of the parking survey, the Council's Highways Officer has raised some concerns that the survey report includes parking on junctions and disability bays, so is not entirely accurate in terms of the available parking length on street. Officer also note that some of the photographs show parking spaces marked as being available where this is a parking restriction during the day. However, the Highways Officer is satisfied that on balance adequate parking has been demonstrated to be available for the proposed development. It is estimated that the uplift in parking as a result of the proposal would take parking stress to circa 80% on average, so whilst this is high and would cause some impact on amenity for residents of the nearby area it is not considered to result in a robust objection and reason to refuse planning permission.

8.4.7 What is also clear, when balancing the assessment of parking demand is the view of Planning Inspectors in relation to parking demand and HMOs. Inspector's decisions are material planning considerations, and when sites are located in highly sustainable locations such as this, there is a general presumption of HMO occupants being less likely to own vehicles and this type of accommodation would be attractive to those without regular access to private car. A recent example of this is an appeal decision (CAS-04663-K4D5H0) on 24<sup>th</sup> April 2026 at 28 Brynglas Road for a HMO, where on street parking demand was increased by 3no. spaces. As part of that decision the Inspector stated;

*10. The appeal site is in a highly sustainable location. It lies within a short walking distance of Malpas District Centre, which provides a range of facilities, services and shops. It is also within 300m of a bus stop and a reasonable walk or cycle to the city centre. The proposal also provides secure cycle storage, and whilst located in the rear garden, there is rear access and, in any event, it is not an uncommon practice to take bicycles through terraced properties. Therefore, I am satisfied that future occupiers would have realistic alternatives to the private car to access services, facilities and employment opportunities within the local area and city centre. This is reinforced by the appellant's Sustainability Appraisal, which has been carried out in accordance with the advice contained in the Parking Standards SPG.*

*11. I have seen no cogent evidence to persuade me that future occupiers would be likely to rely on the private car as a matter of choice, convenience or working patterns, and, regardless, such assumptions do not form the basis for assessing sustainability in policy terms. It is my view, given the sustainable location of the appeal site, that the proposed HMO would be more attractive to those without regular access to a private car. It is, therefore, my view that rather than increasing demand for on-street parking, the proposal is more likely to limit the reliance on the private car in accordance with the aims of PPW.*

8.4.8 Later in that decision, the Inspector acknowledged that the 95% parking stress would suggest that availability of parking on street is extremely limited at peak residential times, and that drivers may need to circulate to find a space. In relation to the high parking demand the Inspector then went on to state; "...This can result in residents having to park at a distance from their homes, which may create practical difficulties for some households, particularly when carrying shopping or accompanying young children. Concerns are also raised regarding the effective narrowing of the carriageway due to parking which affects

*traffic flow, exacerbated by congestion, including from school traffic, and the use of local streets for parking vehicles associated with a nearby garage. Given these factors together with my own site observations, I am of the view that competition for on-street parking is extremely high during peak periods, which can give rise to instances of inconsiderate or indiscriminate parking and can lead to inconvenience for residents.”* However the Inspector concluded that the proposal would not materially increase parking demand and therefore would have minimal effect on existing local highway conditions and local residential amenity.

- 8.4.9 Although this proposal would result in a higher parking demand than the appeal case referenced above, existing parking stress in the area is significantly lower. The site also benefits from a relatively sustainable location, being within easy walking distance of a District Centre and a main road that provides access to public transport services. When these factors are considered alongside national planning policy aims to reduce reliance on private vehicles, it is concluded that the proposal is acceptable in this respect.
- 8.4.10 In terms of cycle storage, this is shown within the existing garage space and separated from the proposed refuse store, but accessible through an internal door. This arrangement is acceptable in principle and the plans appear to show the provision of 3no. Sheffield loops although this is not annotated so is not entirely clear at this stage. However, there is no reason that a planning condition could not be used to secure final details and this provision is considered to be acceptable.
- 8.4.11 Overall, it is considered that on balance the proposal would not result in an unacceptable adverse impact on matters of highway safety or local amenity and as such complies with Policy GP4 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 cycle store and communal living room.

8.7.3 Whilst the previous application was not refused on grounds of refuse storage, the Officer Report raised concerns that the refuse storage area would have a direct link to the communal living room and this would not be acceptable due to the potential for odours and other environmental issues. However, it was considered that a condition could be used to block up the access. This revised scheme now shows the refuse storage accessed via the existing roller shutter door in the front part of the store area, with a partition wall separating it from the cycle store. An internal door now separates the refuse store with the cycle store and a further door then separates the cycle store with the communal living room. It seems practical to have an internal access to the store area which is more likely to encourage use rather than relying on pavement access only.

8.7.4 From a planning perspective, this arrangement is now considered to be adequate and complies 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 and would result in an adverse impact on the residential amenity of neighbouring properties.

10.2 The proposal is contrary to Policy SP1, GP2, GP7 and H8 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 lack of acceptable window openings serving the kitchen, the poor functional quality of the external amenity space, and its direct relationship with Bedroom 6, 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, GP7 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 in close juxtaposition with neighbouring outdoor amenity spaces, noise and general disturbance. 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).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plans; KD2044 1 – Existing Floor Plans and Elevations; KD2044 2A – Proposed Floors Plans and Elevations; Revised Design Statement; Parking Study; Green Infrastructure 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.