

Delegated Decision Report

Application No:	26/0568	Statutory Period Expires:	17th September 2026
Site:	28 Dewsland Park Road Newport NP20 4EF		
Proposal:	PROPOSED CHANGE OF USE FROM A SUPPORTED LIVING PROPERTY FOR UP TO 6 PERSONS (USED C3B) TO A 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4)		
Applicant:	Williams		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The description of development sets out the previous use of the building was for supported living for up to 6no. persons. Assessment of the planning history notes two previous enforcement cases, E08/0531 and E18/0434 which investigated the potential use of the site as a House in Multiple Occupation, both were closed as no breach. The 2018 enforcement investigation noted that the floor plans were the same as the 2008 investigation concluding no material change in the use of the site. The site has obtained a licence from The Council's HMO Licencing department however this related to the use of the site as a supporting living facility with occupiers receiving care/support on site. Assessment of the previous HMO licences has shown that an HMO licence has been in place since 2008, with the current licence expiring in 2028.
- 1.2 It is noted that in 2016 the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 was introduced with it bringing the C4 use class specifically relating to Houses in Multiple Occupation differentiating them from C3 dwellinghouses.
- 1.3 The supporting planning statement outlines the previous use as supported living accommodation for a period of 29 years prior. However, there is no Planning Consent or Lawful Development Certificate in place confirming this, nor is the application supported by any statutory declarations, or other evidence to that effect, nor is the applicant seeking determination on an existing lawful use. The use class order (as amended) limits permitted changes to C5 and C6 uses, and interchangeably between C3(a), (b) and (c). As such, the existing use as stated does not provide a fall back position to lawfully change the use to C4. Furthermore, irrespective of an HMO licence being in place this is subject to a separate legislative process and would not prejudice the current planning application.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within a residential area characterised by semi-detached properties. The topography significantly inclines southeast to northwest hence the curvature of Dewsland Park Road.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Proposed change of use from C3(b) to use class C4 House of Multiple Occupation for up to six persons. No internal or external alterations are proposed.

4. RELEVANT SITE HISTORY

None.

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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability
GP2 – General Amenity
GP4 – Highways and Accessibility
GP5 – Natural Environment
GP6 – Quality of Design
GP7 – Environmental Protection and Public Health
H8 - Self Contained Accommodation and Houses in Multiple Occupation
T4 – Parking
W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Waste Storage and Collection
- Wildlife and Development
- Parking Standards
- Housing in Multiple Occupation
- Sustainable Travel

6. CONSULTATION RESPONSES

6.1 Drainage: No response.

6.2 Planning Contributions Manager: The proposal represents a net nil gain in residential dwellings. As such, no affordable housing obligations are requested.

6.3 Environmental Health Officer: I refer to the above application passed onto Environmental Protection for consultation. Having reviewed the supporting documentation, I confirm we have no objections to the proposal, as the site seeks change of use. However, due to the concerns of waste that will be generated by the new occupants, I suggest the following condition to be attached to any permission granted,

Waste Storage and Recycling.

There is a lack of information regarding the waste storage and recycling facilities that will be provided to serve the future development. Therefore, either additional information is required or the following condition is recommended;

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

6.4 HMO Licencing Officer: I confirm I have objections regarding the proposals for 28 Dewsland Park Road Newport NP20 4EF into a House in Multiple Occupation for planning application 26/0568 The ground-floor bedroom located to the rear of the kitchen appears to constitute an inner room arrangement. Based on the floor plan provided, the only means of escape from this room would be through the kitchen. In the event of a fire originating within the kitchen, occupants of the bedroom may be unable to safely escape, presenting a significant fire safety risk.

6.5 Gwent Police: No response.

6.6 Waste Manager: No response.

6.7 Highways Officer: No objection, subject to conditions.

Highway Comments:

It appears that the pre-app advice was to place limited weight on the comments regard the existing use in the absence of a Lawful Development Certificate. On that basis we would consider the parking impact is based on comparison with a three-bed house. The theoretical impact therefore is seven spaces less three "existing". It is based on the SPG there is a shortfall of four spaces.

The application is supported by a parking survey which includes photos of available parking during peak demand. The photos are poor quality and not date/time stamped but appear to show available parking. Furthermore, HMOs tend not to generate the levels of parking suggested by the SPG, so there are no objections on parking grounds.

Cycle parking is proposed but is not practical. The shelters are too low to facilitate access to secure bikes and therefore not suited to shared use. This should be addressed by way of a condition.

Bins on footway are a potential amenity and obstruction issue. Given the numbers needed for six residents and lack of responsibility for moving them, we would request a condition to address this.

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

Suggested Conditions.

Notwithstanding the proposed store, and except for site clearance and remediation, no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

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.

Prior to first occupation of the development hereby permitted a waste management strategy shall be submitted to, and approved in writing by, the Council as Local Planning Authority. For the avoidance of doubt the strategy set out design and operational proposals for the storage, transfer and collection of waste ensuring that appropriate arrangements are made and that logistical requirements are appropriately considered and addressed. The strategy shall be subsequently implemented in accordance with the approved details.

Reason: To ensure that adequate on-site provision is made for servicing and waste management collection including allowance for the storage, transfer and collection of waste to reduce impact on residential amenity and the general amenity of surrounding occupiers.

6.8 Dwr Cymru/Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the **Conditions** and **Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 28th July 2026 and a Site Notice was put up on the 31st July 2026.

7.1 NEIGHBOURS: 13no. objections (summarised):

- Parking demand and highway safety.
- Impact on neighbouring residential amenity (noise, disturbance, activity levels).
- Potential over-concentration of HMOs and effect on local character.
- Adequacy of waste storage arrangements.
- Suitability of accommodation and Environmental Health concerns.
- Landscaping, biodiversity and impact of ancillary structures.
- Accuracy and robustness of the submitted supporting information.

7.2 COUNCILLORS:

7.2.1 Councillor Thomas: I wish to register my objections to the application for another HMO in a Stow Hill Street with a strongly residential and family orientated demographic.

Of course it is recognised that there will continue to be a need for lower cost, shorter term accommodation in communities which don't require long-term commitments to renting but it is felt that current policy does not make allowances for the individual circumstances and pressures upon distinct communities and their residents. With Stow Hill being the subject of an huge increase in applications this clearly leads to a high concentration of tenants and it will mean they may have less regard for maintaining decent standards and neighbourly behaviour. It is recognised that questions cannot be made about the tenants likely to be offered accommodation but sadly, there is a lack of accountability to legislative bodies to enforce the adequate management of tenant behaviour in HMOs by landlords and agents. Once the planning processes are concluded other expensive council, and other services, literally have to clear up the mess and prosecutions etc. Although it should be recognised that some HMOs are well managed, where few complaints arise, the situation

here in Stow Hill is out of hand. This is at a time when we have seen enhanced publicity given to criminality in the city centre and citizens are blaming tenants for unruly behaviour.

These larger houses have clearly been occupied as family homes for many years. A high proportion have been very well maintained and most share the original early 20th Century design and architecture of the area. When these properties are converted for multiple occupancy they are very unlikely to be returned to family or multi-generational use. This eventually degrades the area because tenants, typically occupy for shorter periods and fail to 'bond' with the community, sharing other residents ambitions for a peaceful, law-abiding existence.

It is understood that this was previously a supervised property. Changes to the house, other than the cycle and bin storage in the garden area, are negligible. It should be seen as an outstanding example that national planning regulations allow absolutely no discretion for flexibility and local representation by councillors who recognise the character and requirements of the majority of the local populations. In this case there has been storage for 6 cycles mandated. This property lies on a section of what is one of the steepest roads in the whole of Newport. Cyclists rarely if ever use the road! It is unlikely 6 cyclists would reside at one HMO in this road. The number of car owners in HMOs may be lower but it is statistically very unlikely to be nil where there are 6 in residence, plus visitors or guests, particularly where only walking would supplement Sustainable Travel on the street. There are few unrestricted parking sections in the road, some are permit-holders only or a mix, with 2hr parking. There is heavy demand. Business and shop owners from the Cathedral area try to find places on the street, as do some visitors to the hospital so it is not accepted that if tenants are car owners they will be able to keep their cars on the hill whilst not disrupting other resident's parking near to their homes.

This property has a front garden, with a retaining wall but it is unclear how the appearance of the street will be maintained if tenants do not take responsibility for the prompt removal of bins to the storage area at the rear. As the property has no side access it appears unacceptable that the developer delivered plans proposing bikes and bins etc are all transported in and out through the lounge and hall.

7.2.2 Councillor Al-Nuaimi: As things are submitted, this looks like a change of use from Assisted Housing to a House in Multiple Occupation for 6 People. It is right in the middle of a residential street surrounded by family housing.

My comments are as follows

1. The drawings showing the existing and proposed floor plans, but do not give dimensions. From the layout it appears that the sizes of the bedrooms and the communal areas are to remain the same. However I concur with the comments of the Environmental Health officer with respect to the unacceptable high fire risk for the bedroom at the rear of the proposed ground floor.
2. The change of use does not address the shortage of off street parking of 3 spaces. So this must be considered as an unresolved problem here. I am not willing to accept the submitted parking survey as an objective mitigating factor here. Dewsland Park Road is a heavily residential street with Parking permit system for residents with a few spaces giving waited limited parking for visitors. It is very close to the Royal Gwent Hospital, which generates a constant demand of on street parking for users, employees and visitors to the hospital
3. Recycling and waste. No plans have been submitted on how these are managed and who will be taking responsibility for presenting the bins and recycling receptacles and will be putting them back and away from the footpath.
4. Similarly with regard to the bicycle rack. Is the yard or back garden in the house accessible to the cyclists and for managing the bin and recycling waste.
5. Density of HMOs in the proximity of this newly proposed one. There is nothing to tell me it is within the acceptable density limit accepted by the Council SPG.

For all of the above reasons I wish to oppose the application.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site is located within a settlement boundary as designated by the proposals maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development accords with Policy SP1.

8.2 Drainage

8.2.1 The comments from Dwr Cymru/Welsh Water relating to the attachment of a condition preventing the connection of surface water from any increased roof areas are noted; however as no alterations or extensions are proposed, the condition does not relate to the development under consideration and would therefore not accord with the six tests for the attachment of conditions as set out in the Circular 016/2014.

8.3 Planning Contributions

8.3.1 The proposed change of use would not result in a net increase in dwellings. The Planning Contributions Manager has therefore confirmed that no Section 106 contributions would be required.

8.4 Crime

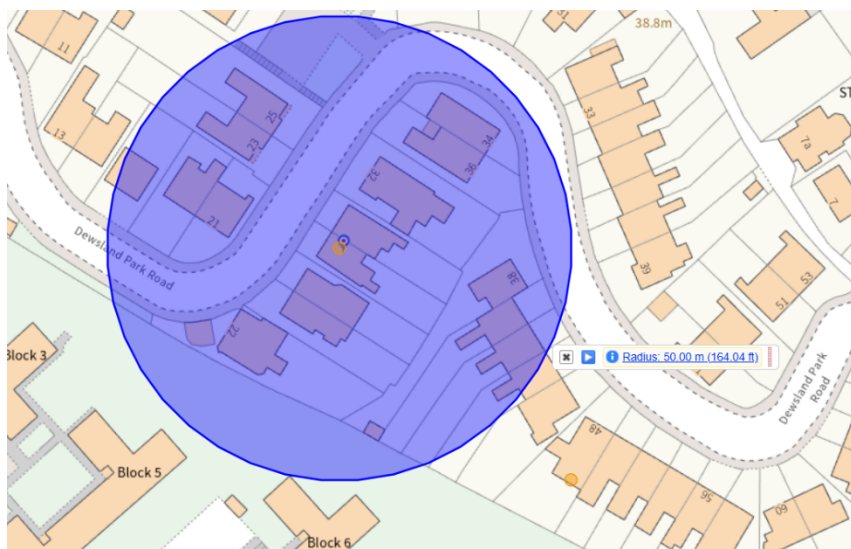
8.4.1 A consultation has been requested from Gwent Police however no response has been received. However, as per the Councils adopted Housing in Multiple Occupation Supplementary Planning Guidance section 5.5.2 *'The Council must confine its assessment of an HMO proposal to material planning considerations. It cannot consider the circumstances or likely behaviour of prospective residents.'*

8.5 Houses of Multiple Occupation and General Amenity

8.5.1 The application site is located within a 15% HMO threshold area, as such, the density of HMO's within a 50m radius of the application site are required to be below this threshold.

8.5.2 *Figure 1* below shows the 50m radius from the application site which encompasses 15no. properties. Assessment of the planning history shows 1no. HMO is licenced within the 50m radius – the application site. This equates to 6.7% of the housing stock, which falls below the accepted 15% threshold.

8.5.3 Due to the evidence above, it is considered that the density of HMO's in this area is not of a sufficient level to result in any adverse impact upon social cohesion and therefore acceptable. Furthermore, following a site visit, it was observed that the surrounding residential properties are generally well maintained and in good condition, with no evidence of widespread neglect or disrepair. This indicates that the area benefits from a satisfactory level of social cohesion and does not exhibit any of the adverse characteristics that can be associated with an overconcentration of HMOs, including harm to the character and appearance of the locality.



- 8.5.4 The Houses in Multiple Occupation SPG document outlines that each one person bedroom unit has a minimum room size of 6.51sqm, communal kitchens 7sqm, and communal lounges 10sqm.
- 8.5.5 The room sizes (sqm) are detailed below:
Bedroom (GF front): 21.9
Lounge: 15
Kitchen: 11
Bedroom (GF rear): 11.7
Bedroom (FF with bay): 21.3
Bedroom (FF front): 8.2
Bedroom (FF rear at party wall): 15.7
Bedroom (FF rear): 13.8
- 8.5.6 No alterations are proposed to the floorplans in order to facilitate the above room sizes. The room sizes all exceed the minimum HMO licencing standards and are acceptable in that regard.
- 8.5.7 However, the rear bedroom can only be accessed via the kitchen; the proximity of the bedroom to the kitchen and that other residents will consistently congregate outside of the bedroom door in association with daily cooking and preparation of meals and washing of clothes represents as material harm upon the living conditions of any future occupant of this bedroom.
- 8.5.8 Furthermore, the occupant of the ground floor rear bedroom would have to walk through the kitchen, along the hallway, and up the stairs to access the bathroom. Also, the occupant of the ground floor front bedroom would also have to cross the hallway and go up stairs to access the bathroom. The distance from the rear bedroom to the bathroom and the access route through the communal areas of the dwelling would not afford occupants sufficiently close amenities resulting in an adverse impact upon their privacy. A previous appeal decision CAS-04803-P7G8T5 (*Appendix 1*) found that where bathrooms are accessed via communal living areas and kitchens, this arrangement would not maximise living standards for occupants representing significant adverse impact on occupants amenity and well-being. Significant parallels are seen between the arrangement of the scheme considered in the aforementioned appeal and that proposed in this application and similarly the assessment of the LPA is that this arrangement is unacceptable and would significantly prejudice the living conditions of the future occupier of that bedroom.
- 8.5.9 The consultation response from the HMO Licencing Officer objects to the scheme based upon the bedrooms location next to the kitchen and that no other means of escape is present. Therefore should a fire arise in the kitchen, occupants of the rear bedroom would not be able to escape. However, it is noted that a HMO licence has been previously granted until 2028 with this configuration. As such, it would not be appropriate for this to form a reason for refusal by itself, but does contribute toward the layout not maximising living standards due to the constant use of the kitchen in close proximity to a bedroom.
- 8.6 **Impact on Highways and Parking**
- 8.6.1 The application site lies within Parking Zone 2; the Parking SPG document sets out that this is a city centre fringe area and are *'The centre of towns which local people regard as their destination for most activity which is not met within their own local community, or an area immediately adjacent to the City Core (Zone 1). The area has a full range of retail activity and many commercial businesses, all within walking distance. The area is the focus of the local bus network and is likely to contain a railway station. Built density is high with little private car parking. There are significant parking restrictions and substantial amounts of off-street car parking available to the public.'*
- 8.6.2 The above description outlines the sites sustainable location adjacent to the city centre core and that the area has significant retail and professional services all within walking distance of the application site and close to Newport Train and Bus stations respectively. Regarding the site specifically, on street parking is significantly restricted controlled by residents permits and limited Monday to Saturday 0800 – 2000 hours for 2 hours parking only. Residents permits are limited to two per household.

- 8.6.3 The parking demand for the proposed use as set out within the Parking SPG document is 1 space per bedsit; therefore the parking demand for the proposed development is 6no. spaces. The existing demand according to the Parking SPG based upon a six bedroom property is 3no. parking spaces. Therefore, the proposed use has a theoretical increase in parking demand of three parking spaces when compared to the existing use.
- 8.6.4 The application is supported by a parking survey using the Lambeth Methodology and notes the sites proximity to the city centre shopping area approximately 300m southeast of the site and 120m from the local centre of St Woolos. The results of the parking survey confirm that between 83.6 – 87.7% of available spaces were occupied at peak times. The Highways Officer has raised no objection to the overall findings of the parking survey and further notes car ownership is likely to be low given the intended occupants.
- 8.6.5 Due to the highly sustainable nature of the site no concern or objection is raised in respect of parking provision as the proposal is considered to accord with the aims and objectives of local and national planning policies which seek to reduce the amount of off street parking within suitable, sustainable locations and to facilitate the modal shift away from trips made by private vehicles, this accords with the aims of Llwybr Newydd: the Wales Transport Strategy, which sets a mode share target of 45% of journeys to be made by walking, cycling and public transport by 2040, Policies 2 and 12 of Future Wales, Planning Policy Wales 12 (4.1.50 - 4.1.53) and Objective 2 and Policy SP1 of the Newport City Council LDP.
- 8.6.6 The indicative location of bicycle storage is located within the rear amenity area however the Highways Officer notes the storage structure needs to be altered to ensure future occupants can use this effectively. As such, an amended scheme of bicycle storage would be secured by way of condition should all other matters be acceptable. The cycle storage area would be accessible via a path to the side of the dwelling linking to Dewsland Park Road.

8.7 **Biodiversity**

- 8.7.1 In respect of ecology and biodiversity the site as existing comprises a residential dwelling and garden area, all floors of the property are currently available for occupation and no conversion of the loft space is required. Additionally, the garden areas are part hard surfaced within an urban environment therefore, the site offers little ecological value and the potential habitat for bats or other European Protected Species is limited.
- 8.7.2 Planning Policy Wales (Ed.12) sets out that "Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non-native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (para 6.4.5). This element and subsequent requirements in Chapter 6 of PPW respond to the Section 6 Duty of the Environment (Wales) Act 2016.
- 8.7.3 The application includes a Green Infrastructure Statement and references the step-wise approach as per national policy requirements. The proposed biodiversity enhancement of a bird box is considered as a proportionate scheme on the development proposed. A condition would be attached to ensure the bird box is erected prior to the first use as a HMO which achieves the aims of PPW (Ed12) regarding biodiversity net gain in accordance with Policy GP5.

8.8 **Waste**

- 8.8.1 The proposed site plan indicates the waste and recycling receptacles are to be located in the rear amenity space. No details have been provided of a dedicate waste and recycling storage unit. Sufficient details can be secured by way of condition; subject to condition the proposal accords with Policy W3. The side access path would provide suitable access to the rear of the property to present and retrieve waste storage receptacles.

8.9 **Other Matters**

- 8.9.1 The objections received from Councillors and members of the public are considered to have been suitably addressed via the assessment above regarding HMO density, general amenity, parking, waste and impact upon the character and appearance of the area and therefore do not require further response/explanation.

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 proposal would result in an unacceptable level of harm upon residential amenity of future occupiers of the ground floor bedroom contrary to national and local planning policies.

11. DECISION REFUSED

01 The proposed use would have a significant adverse impact upon the amenity and wellbeing of future occupiers due to the location of the shared bathroom at first floor accessed via the shared kitchen by occupant of the rear bedroom, and the location of the ground floor

rear bedroom adjacent the communal kitchen contrary to the aims of Policies GP2 and H8 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Planning Statement (Received: 24.07.2026)
- Parking Survey (Received: 24.07.2026)
- Green Infrastructure Statement (Received: 24.07.2026)
- Existing and Proposed Plans (Drawing ref: TRD-222603-A1/01 Rev A-1.11.25)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP5, GP6, GP7, H8, T4 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.



Appeal Decision

by Julie de-Courcey BSc LLB MTPI MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 05/08/2026

Appeal reference: CAS-04803-P7G8T5

Site address: 7 Conway Road, Newport, NP19 8PA

- 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 Wilmont Assets Ltd against the decision of Newport City Council.
 - The application Ref 25/0841, dated 25 September 2025, was refused by notice dated 3 December 2025.
 - The development proposed is Change of use from dwelling (C3 use) to a 4-bedroom house in multiple occupation (C4 use).
 - A site visit was made on 14 July 2026.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant expressed dissatisfaction with the way that the Council had adjudicated on the application subject of this appeal. My consideration is based on the Council's corporate decision and, save for the application of costs before me, any remaining concerns in those respects are not germane to my decision.
3. During my site visit I noted that internal works had taken place that largely corresponded with the layout associated with the proposed use. I have determined the appeal based on the submitted plans.

Application for costs

4. An application for costs has been made by Wilmont Assets Ltd against Newport City Council. That application is the subject of a separate decision.

Main Issue(s)

5. These are:
 - Whether the proposed change of use would conflict with local and national policies designed to maintain sustainable and balanced communities and protect the amenity and character of the area;
 - Residential amenity of prospective occupants; and

- The effect of the proposed use on the safety and convenience of road users due to parking arrangements.

Reasons

6. The appeal property is a two-storey terraced house. The submitted 'existing' floor plan showed two upstairs bedrooms; the 'proposed' plans indicated four first floor bedrooms.

Sustainable and balanced communities

7. There is no planning policy requirement for need to be shown for the proposed development. Policy H8 of the Newport Local Development Plan (LDP) seeks to control the concentration of houses in multiple occupation (HMOs) in an area in order to avoid changing its character or causing an imbalance in the housing stock. This aligns with Policy GP2 whereby development will be permitted where, amongst other things, the proposed use would not cause a significant adverse effect on local amenity or be detrimental to the character of the surrounding area.
8. The Council's adopted HMO Supplementary Planning Guidance (SPG) recognises that HMOs can make a valuable contribution to the city's housing stock and can provide accommodation for a wide range of groups. However, it is acknowledged that in clusters they can detract from the character of an area, leading to a range of specified problems. The HMO SPG sets out a threshold-based approach relating to the proportion of such units within a defined area, which is intended to identify circumstances where concentrations may begin to affect the character of a neighbourhood. In this instance, the threshold is 10%.
9. The Council's survey of the housing stock within a 50m radius of the site identified the full front elevations of 38 no. residential properties, of which one (No. 34 Conway Road) was a registered HMO. This equated to a HMO concentration of 2.6%. The proposed development would increase the concentration to 5.3%, which would be below the 10% threshold. Consequently, HMO concentration levels do not weigh against the proposal.
10. Consideration was given to the advice of Gwent Police that the current call volume and demand from the single HMO within the 50m radius of the appeal site was not having a detrimental effect on policing or the community within that area. Some objectors' submissions that drew experience from the wider area, provided evidence to be weighed against that of the police.
11. The Council officers' report to committee set out and considered the range of issues raised by objectors in respect of the proposed development's impact on the area's character, appearance and local amenity. The reasoning for the officers' conclusion that the proposed development would not have a significant adverse effect on those material considerations is cogent. I endorse their conclusion that the proposed development would not cause an imbalance in the housing stock nor would it give rise to any or all of the range of potential associated problems associated with clusters of HMOs that are identified in the accompanying SPG.

Residential amenity of prospective occupants

12. Policies GP2 and H8 of the LDP state that development will be permitted where, amongst other things, it provides adequate amenity for future occupiers. The HMO SPG says that, amongst other things, rooms should be arranged and designed in a manner that maximises living standards for occupants.
13. The Council's HMO Property Standards require that a single bedroom have an area of at least 6.51m². The smaller bedrooms extend to 6.55m² and 6.6m². In assessing whether the proposed development would comply with the relevant requirements of the LDP, I am mindful that: the HMO licensing regime is a separate legislative process that does not

circumvent the need to comply with the requirements of planning policy; and that bedrooms in HMO accommodation provide the primary private and secure space for occupiers to sleep, relax and store personal belongings. The smallest bedroom is rectangular in shape and, despite its size, could accommodate a single bed and essential furniture. The larger is L shaped but, by virtue of its dimensions, could similarly accommodate basic needs, whilst avoiding a cramped and constrained layout.

14. Reference was made to a recent appeal in the Council's area (CAS-04663-K4D5H0). Having looked at the proposed floor plan, it was not just the bedrooms' modest size but also their configuration and the limiting impact of architectural features on the amount of functional floor space that led to the conclusion that the proposal would not provide an acceptable standard of amenity for prospective occupants. In those respects, the current proposal is distinguishable from that case.
15. Based on bedroom size, the proposed HMO could accommodate 4 people. Maximum occupancy could be addressed by a planning condition. There would be a ground floor kitchen, communal dining and lounge area sufficient in size and arrangement to accommodate those residents. The rear garden could provide space for cycle and bin storage in addition to a satisfactory amount of amenity and functional outdoor space.
16. The sole WC for use by prospective residents would be in the downstairs shower-room, at the rear of the property, accessed through the shared kitchen and dining/lounge area. The appellant's point that it is not uncommon in residential properties, including HMOs, for ancillary facilities to be located at ground floor level was noted. Nevertheless, by virtue of the use proposed, the potential number of occupants, the WC and shower-room being sited on a different level to the bedrooms and having to access them by going through the communal living space and kitchen, 'bathroom' facilities would not be arranged and designed in a manner that maximises living standards for occupants. This would have a significant adverse impact on their amenity and well-being.
17. The Flood Map for Planning identifies the appeal site to be within Flood Zone 2 and 3 Sea, a Technical Advice Note 15 Development, flooding and coastal erosion (TAN15) Defended Zone and at risk from flooding. Natural Resources Wales considered the appellant's Flood Consequence Assessment (FCA) and concluded that during a 1 in 200 year flood event, including an allowance for climate change, flood depths at the property were predicted to reach approximately 1.13m. In a 1 in 1000 year flood event, also including climate change, flood depths could reach approximately 2.05m.
18. The proposed change of use and intensification of use of the property would not affect flood risk. In terms of vulnerability to flooding, both the existing and proposed uses are highly vulnerable development as defined by TAN15. However, in addition to a downstairs shower, the floor plan showing the dwelling's layout prior to the commencement of development included a bathroom on the first floor. The floor plan at Appendix 1 of the FCA confirmed that it included a WC. On that basis, the property would have retained access to toilet facilities during a flood event were the ground floor inaccessible or if residents had to take refuge upstairs in anticipation of one; not necessarily one of the magnitude of the 1 in 200 or 1 in 1000 year events. The risk management measures set out in the FCA would not overcome this deficiency in the property's proposed layout.
19. Account has been taken of the fact that both the Council's Environmental Health and Licensing Officers raised no objection to the proposal. Whilst they may be the primary regulatory authorities for HMO living standards, the requirement for planning permission is subject of a separate statutory regime and the proposal needs to satisfy planning policy and guidance. Notwithstanding the frequency of severe of flood risk, when considered in tandem with the aforementioned day-to-day implications for prospective

residents arising from the lack of bathroom facilities on the same level as the bedrooms, the proposed layout would not provide an adequate standard of amenity and well-being for them contrary to the LDP policies cited in the Council's reason for refusal and the HMO SPG. Accordingly, the Local Planning Authority's reason for refusal and objectors' concerns about overdevelopment of the property are sustained in part.

Road User's safety and convenience

20. Objectors to the proposal referred to issues with existing parking congestion, accessibility by emergency services and how the proposed development would exacerbate the situation to the detriment of amenity and highway safety in the area.
21. The appeal property has no off-street parking. The adjoining streets between Chepstow Road and the railway line contain similar terraced houses. Few properties in the surrounding area have off-street parking.
22. LDP Policy T4 requires that development provides appropriate levels of parking, within defined parking zones, in accordance with the Parking Standards SPG. According to the latter, the site lies within Zone 3: Urban, where the requirement for the proposed 4-bedroom HMO would be 4 parking spaces. The C3 use generates a parking demand of 2 spaces, meaning a parking shortfall of 2 spaces.
23. The Parking Standards SPG is guidance; it is not intended to be rigidly applied. It refers to consideration of the merits of the scheme, taking account of the sustainability of the location and local circumstances when applying the standards. Planning Policy Wales 12 says that parking provision should be informed by the local context including public transport accessibility and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. It adds that local authorities will need to ensure that their parking standards reflect local transport provision, should be applied flexibly and allow for the provision of lower levels of parking.
24. The property is in a sustainable location near to Chepstow Road, which is an arterial route that is well served by bus. There are local shops, school and a licensed premises nearby. The site is also within walking distance of Beechwood and Maindee District Centres with a range of shops and services. On that basis, it is a location where walking and cycling would be a realistic alternative to travel by car. The location and the type of accommodation proposed means that the accommodation would likely be attractive to those without a car. Provision is made for cycle storage facilities in the property's rear garden albeit that revision of its design would need to be secured by condition if the appeal were allowed. In common with other properties in the area, that bicycles would have to be taken through the house to/from storage does not rule out their use.
25. There remains the possibility that some residents of the proposed development may own or have access to vehicles, so the implications of the potential increase in parking demand will be considered. The appellant submitted a parking survey that assessed portions of Conway Road and the streets between it and Chepstow Road within a 200m or 2 minute walk of the site. The survey was revisited to address objectors' concerns with its accuracy. It was carried out at night, during the week, when there would be peak occupancy of spaces. The survey used an established methodology, that the Council endorsed. I see no associated short-comings or deficiencies in its scope.
26. Both survey samples showed high demand in the area with an overall parking stress of 95%, which equated to an average of 13 free spaces out of the 255 potentially available. Albeit that any such survey merely provides a snapshot, the results were consistent.
27. Objectors said that a survey should also have been carried out during the day. During my site visit, I assessed the level of vacant potential parking spaces on the streets subject of

the appellant's survey. This was done between 12.15 - 13.15 hours on a weekday during term-time. It entailed a simple visual appraisal of where I considered a vehicle of average size might reasonably be parked and/or how many could comfortably be manoeuvred into a larger gap. The level of vacancy was markedly higher than that noted during the appellant's night-time survey. This was consistent with the Council's observations.

28. Objectors' photos show inconsiderate parking and bin placement to be an issue in the area. However, this decision can only reasonably be based on the premise that laws available to control illegal parking and/or obstruction of the highway will be enforced. The empirical evidence showed that potential additional demand for on-street parking could be accommodated despite its availability nearing capacity. Adding to that pressure would potentially force existing residents to park further from their homes on occasion. However, this is not unusual in a dense urban location of terraced streets, where car ownership has increased over time and competition for on-street parking has increased.
29. Considerable weight is given to the likelihood that this type of accommodation would be attractive to those without access to a car and is in sustainable location. My conclusion on sustainability is based on my observations of the area, not the appellant's submitted Sustainability Appraisal. On that basis, the proposed development would not give rise to significant concerns regarding highway or pedestrian safety, accessibility by emergency services or a significant increase in air pollution. In reaching that conclusion, I note that the Council's Highways section did not object to the proposal. The issue of convenience associated with potential increased demand and competition for on-street parking are not of sufficient weight to count against the development. Accordingly, in these respects, it would be broadly consistent with the general thrust of LDP Policies GP2, GP4 and H8 i). The conflict with Policy T4 and the Parking Standards SPG is outweighed by the other factors considered above.

Other Matter(s)

30. Objectors raised a range of other matters including waste, green infrastructure and biodiversity enhancement. These were considered in the Council officers' report to Committee, which concluded that they were not matters that weighed against the proposal. I agree with that assessment for the reasons given therein. Subsequent representations made in respect of this appeal do not raise additional substantive issues that I need to specifically address in this decision. Fire safety and HMO licensing are subject to separate regulation that could impose conditions that would be for enforcement by the correspondent authorities, independent of the planning process.

Conclusion

31. For reasons set out above, and taking account of all the evidence before me, I have found that the harm to amenity and well-being of future occupiers would be significant and is a compelling factor. As a result, I conclude that the appeal should be dismissed.
32. In reaching my decision, account has been taken of 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.

Julie de-Courcey

INSPECTOR