

Delegated Decision Report

Application No:	25/0625	Statutory Expires:	Period	29th September 2025
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Site:	164 Tregwilym Road Rogerstone Newport NP10 9EL		
Proposal:	PROPOSED SUBDIVISION OF GROUND FLOOR FLAT INTO TWO ONE-BEDROOM UNITS		
Applicant:	J Papa		
Type:	Full	Ward:	Rogerstone West
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is located within the settlement boundary as defined by the Newport City Council Local Development Plan 2011 – 2026 (Adopted January 2015) (LDP). The site is not subject to any constraints on the LDP Constraints Map, nor any proposals on the LDP Proposals Map. There is a Grade II listed building (Rogerstone Public Library) located to the north west of the application site, approximately 40 metres away.

2.2 The property itself is detached and set back from the road frontage, from which it is elevated. The front portion of the site consists of a lawned garden which is enclosed with a brick retaining wall adjacent to the footpath. A path on the southern side of the site provides pedestrian access to the rear, where a private outdoor amenity space and off road car parking is sited.

2.3 The plans show that the existing use of the property is as two flats, one within the ground floor and basement and one at first floor level. It was noted during a site visit that the ground floor and basement of the building are currently vacant and in need of renovation.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks full planning permission for the subdivision of the ground floor flat to create two separate one bedroom units. The proposed flats would be arranged so that one is located within the front portion of the ground floor with access from the existing front door and the other within the rear portion of the ground floor and basement, with a separate access from the rear.

3.2 The front flat would consist of a kitchen/dining/living space, a shower room and one bedroom. The rear flat would consist of a kitchen/dining room and snug within the ground floor and a bedroom, study area and shower room within the basement.

3.3 The submitted Site Plan shows that Bike and Bin Storage would be located adjacent to the site's south eastern boundary, with car parking provision sited within the north eastern portion of the application site.

3.4 To facilitate the proposal, the only external change proposed is the enlargement of the existing basement window.

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

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.

5.3 HISTORIC ENVIRONMENT ACT (WALES) 2023.

5.4 Newport Local Development Plan (2011-2026) (NLDP):

SP1 (Sustainability)
SP9 (Conservation of the Natural, Historic and Built Environment)
SP13 (Planning Obligations)
SP18 (Urban Regeneration)
GP2 (General Amenity)
GP4 (Highways and Accessibility)
GP5 (Natural Environment)
GP6 (Quality of Design)
GP7 (Environmental Protection and Public Health)
H4 (Affordable Housing)
H8 (Self Contained Accommodation and Houses in Multiple Occupation)
T4 (Parking)
W3 (Provision for Waste Management Facilities in Development)

5.5 Supplementary Planning Guidance:

Parking Standards Supplementary Planning Guidance (Adopted August 2015)
Waste Storage and Collection (Adopted January 2020)
Flat Conversions Supplementary Planning Guidance (Adopted October 2021)

6. CONSULTATION RESPONSES

6.1 Local Highways Authority:

No objection subject to conditions.

We would not anticipate any impacts in terms of parking or traffic movements.

The proposed changes include cycle and bin storage. The stores are acceptable in themselves but located such that they are impractical to open and use. Access is obstructed by soft landscaping when the doors are opened. This could be addressed via a condition as there is space for acceptable provision. Changes to the stores or the landscaping would be sufficient to enable suitable provision.

On the basis of the above we would offer no objection, subject to the following condition.

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.

6.2 Public Health and Protection:

No response received.

- 6.3 **Waste Manager:**
We would anticipate each property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid by each one of the properties.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

- 6.4 **Principal Heritage Officer:**
This is a question of setting impact upon Grade II Listed Rogerstone Public Library (Cadw reference: 81345), located to the north-west of this site.

The library is located 40 metres away, where it fronts onto the same (Tregwilym) road. There are two, two-storey detached houses intervening, located either side of the junction with Hadley Gardens.

The supplied Design and Access statement makes no reference to potential impact upon the setting of a Listed Asset. However, with only minor external alterations proposed to the south-east elevation of the building (alongside bike and bin stores proposed to the enclosed rear yard), it is considered that there will be no impact upon the setting of the GII Listed asset as a result of these proposals.

- 6.5 **Dwr Cymru Welsh Water:**
We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following **advisory note**:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. This means that any alterations to existing premises that result in the creation of additional premises or merging of existing premises must be constructed so that each of the premises is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information.

7. PUBLIC REPRESENTATIONS

- 7.1 Neighbour and Ward Member notification letters were sent on 12th August 2025 and a Site Notice was displayed on the same date. No responses were received.
- 7.2 Rogerstone Community Council: No response received.

8. ASSESSMENT

8.1 Principle of Development:

- 8.1.1 The site is regarded as previously developed land within the settlement boundary, whether that be as a previous dwelling or as a commercial unit with flat above. As noted, the building is vacant and uninhabitable, and has likely been in this condition for some time. Policy SP18 supports the reuse of vacant land for residential purposes in the urban area. The proposal would therefore be consistent with this policy and the general brownfield strategy within the Local Development Plan.

8.2 Visual Amenity/ Character and Appearance:

- 8.2.1 The proposed development would take place within the footprint of the existing property and no extensions to the building are proposed. Some minor works related to fenestration would facilitate the development, however it is not considered that the proposal would significantly alter the character and appearance of the application site or that of the street scene. It is noted that the enlarged window would require an enlarged light well which would encroach on to an area of the shared path, no details on this have been provided and, if the application were to be recommended for approval would be required so that a full assessment of its impact could be undertaken.

8.3 Residential Amenity:

- 8.3.1 Policies GP2, H8 and the Flat Conversions SPG require no adverse impact on local amenity in terms of noise, disturbance, privacy, overbearing, light, odours and air quality. There should also be acceptable living standards for future occupants with particular regard to internal floor space, outdoor amenity space, parking, bin storage, bicycle storage and noise.
- 8.3.2 The surrounding area residential properties and the application site currently consists of two flats. It is considered that the proposed development would be compatible with surrounding land use.
- 8.3.3 In terms of the impact on the privacy of surrounding residential properties, no external works or extensions are proposed other than increasing the size of the existing basement window. This window faces the blank elevation of 162 Tregwilym Road and is therefore not considered to result in any increased overlooking impact.
- 8.3.4 In terms of the amenity of future occupiers, the Flat Conversions SPG makes recommendations on internal space standards for new residential accommodation. It recommends a minimum of 45m² for the internal floor space of 1 bed flats. The front flat has a proposed internal floor space of 39.5m², thereby falling short of this standard, whilst the rear flat has a proposed internal floor area of 60 m², thereby exceeding the standard.
- 8.3.5 It is recognised that all flats would have access to an external refuse storage area within the confines of the site and there is also space for cycle parking as required by the Council's Highways Department. It is acknowledged that the flats would also be provided with outdoor amenity space and there are shared car parking facilities available to rear of the application site.
- 8.3.6 The living space of the front flat would be served by the existing bay window which faces Tregwilym Road, whilst the bedroom would be served by an existing window overlooking the rear of the application site, as well as by a side facing window. This is considered acceptable in terms of outlook as well as in terms of the level of natural daylight which would enter the unit. It is however noted that the proposed floor space would fall short of the SPG standard. Notwithstanding this, the floor space proposed would not be significantly less than the guidance (5.5 m²) and it is considered that the flat would contain usable space, which would allow for storage, cooking and preparing food, as well as for sitting. As such, it is not considered that this alone would warrant the refusal of the application.
- 8.3.7 Whilst the rear flat is of an acceptable scale and would provide occupiers with adequate floor space, it is considered that the window serving the basement bedroom would result in unacceptable living standards for future occupiers in terms of outlook and natural daylight. This bedroom would only include one window which, due to its position below ground floor level, allows limited daylight into the room and has views only of a solid brick wall. This is considered to be uninviting and oppressive, resulting in harm to the residential amenity of future occupiers of the flat. It is noted that the proposed plans seek to enlarge the existing opening, however this would not improve outlook, neither would it significantly increase levels of natural daylight entering the room. Additionally the enlargement of the window adjacent to the shared path which provides access to the rear portion of the site could give rise to greater levels of overlooking into the bedroom area. It is therefore not considered to be an acceptable form of mitigation.

8.4 Biodiversity:

- 8.4.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and

green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

- 8.4.2 It is noted that the application has not been accompanied by a Green Infrastructure Statement or details of any scheme of biodiversity enhancement. Notwithstanding this, given the small scale of the development, it is considered that it would be acceptable to secure a proportionate biodiversity scheme via condition. As such the proposal could be compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015), subject to further details which could be submitted at a later date should planning permission be granted.

8.5 Heritage:

- 8.5.1 The application site is located approximately 40 metres away from the Grade II listed Rogerstone Public Library. As such the impact of the proposal on the setting of the listed building must to be considered. Consultation has been undertaken with the council's Principal Heritage Officer, who has concluded that given the separation distance between the buildings, as well as the fact the alterations proposed are only minor in nature, the setting of the heritage asset would be preserved.

8.6 Waste:

- 8.6.1 Facilities for the storage of waste and recycling have been incorporated into the proposed scheme for both of the proposed units. It is considered that adequate bin storage would be available and bins could be collected in an appropriate location.

8.7 Section 106 Planning Obligation Matters:

- 8.7.1 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011 – 2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires Planning Obligation	Purpose of Planning Obligation	Planning Obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)?	Viability Issues?
Regeneration, Investment and Housing	To provide affordable housing.	A commuted sum of £858 in accordance with Policy H4 of the LDP and the formulae in the adopted Affordable Housing SPG.	The Heads of Terms have not been sought as the application is recommended for refusal.	N/A

- 8.7.2 As the application is recommended for refusal, the Heads of Terms have not been sent to the Applicant. This would ordinarily be dealt with by a Section 106 Legal Agreement if planning permission were forthcoming. However, 'Chief Planning Officer letter of December 2018' advised that LPAs should consider including the lack of an obligation as a reason for refusal in order to avoid appellants seeking an award of costs on the grounds that the LPA has introduced a new reason for refusal at the appeal stage.

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**

7.1.1 The principle of the proposal is regarded as acceptable, as is the impact of the development on the amenities of neighbouring occupiers and on the character and appearance of the local area.

7.1.2 Notwithstanding the above, it is considered that the occupiers of the rear flat would suffer from an oppressive living environment due to inadequate outlook and natural daylight serving the basement bedroom. This would be detrimental to their residential amenity and therefore contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011 – 2026 as well as Newport City Council SPG – Flat Conversions (October 2021).

11. **DECISION**

REFUSED, FOR THE FOLLOWING REASONS:

1. The proposed development would result in harm to the living conditions of occupiers of the rear flat, who would suffer from an oppressive living environment due to inadequate outlook and natural daylight serving the basement bedroom. This would be detrimental to residential amenity and therefore contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011 – 2026 as well as Newport City Council SPG – Flat Conversions (October 2021).
2. The proposed development would have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-

going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to Plan Nos: SLP001 Site Location Plan, SP01 Existing/Proposed Site Plan, EX001 Existing Floor Plans, EX002 Existing Elevations, P001 Proposed Floor Plans, P002 Proposed Elevations, P003 Proposed Bin and Bike Stores and Design and Access Statement, all received by the Local Planning Authority on 5th August 2026.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1 (Sustainability), SP9 (Conservation of the Natural, Historic and Built Environment), SP13 (Planning Obligations), SP18 (Urban Regeneration), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), H4 (Affordable Housing), H8 (Self Contained Accommodation and Houses in Multiple Occupation), T4 (Parking) and W3 (Provision for Waste Management Facilities in Development) are relevant to the determination of this application.

03 Newport City Council Parking Standards, Waste Storage and Collection and Flat Conversions Supplementary Planning Guidance are relevant to the determination of this application.

04 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.