



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