



## Appeal Decision

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by R H Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/05/2023

Appeal reference: CAS-02221-T4B3P5

Site address: 287 Caerleon Road, Newport NP19 7HB

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- 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 Mr Simon Bell against the decision of Newport City Council.
  - The application Ref 21/1222, dated 26 November 2021, was refused by notice dated 24 March 2022.
  - The development proposed is described as “*change of use from 2 flats to a 9 bedroom house in multiple occupation (sui generis)*”.
  - A site visit was made on 18 April 2023.
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### Decision

1. The appeal is allowed, and planning permission is granted for a change of use from 2 flats to a 9 bedroom house in multiple occupation (sui generis) at 287 Caerleon Road, Newport NP19 7HB in accordance with the terms of the application Ref 21/1222, dated 26 November 2021, subject to the conditions set out in the attached schedule.

### Main Issues

2. I consider the main issues to be the impact of the development on highway safety and the character and appearance of the area.

### Reasons

#### Highway Safety

3. The appeal site comprises a three-storey end of terrace property fronting onto Caerleon Road, which is a very busy arterial route into the city centre from the M4. It benefits from a small front forecourt and a rear garden with parking provision accessed from Orchard Lane, which is a narrow and unclassified highway. The property is currently split into two self-contained flats laid over three floors.
4. The proposed development would comprise of a kitchen and living space with toilet at the lower ground floor level; 4no. en-suite bedrooms at ground floor and 4no. en-suite bedrooms and 1no. bedroom with separate toilet at the first floor level. The development would provide 3no. parking spaces to the rear (two of which would have electric vehicle

charging points) and a rear garden with bike store to the side and bin store to the front forecourt.

5. The Council states that according to its Parking Standards Supplementary Planning Guidance (SPG) the property's lawful use as two flats with a total of six bedrooms would generate a parking requirement of 7 spaces (1 parking space per bedroom and 1 visitor space), whereas a 9-bed HMO generates a parking requirement of 11 spaces. Therefore, there would be an additional demand of 4 parking spaces over and above the existing use.
6. The appellant has undertaken a parking survey carried out over two days in the early morning when it was assumed most residents would be at home. I am satisfied that it is based on a broadly sound methodology. Whilst the survey results show that six of the streets that were surveyed were at 100% parking stress, four other streets showed that parking spaces were available. The survey concludes that there is sufficient capacity within the local area to accommodate the 4No. additional vehicles required by the Council's parking standards.
7. The conclusions of the Parking Survey are also broadly in accordance with my own experience when visiting the area, a little after 10:00 hrs, which admittedly is at a time when parking demand might be expected to be lower. However, I would not consider the available parking spaces to be plentiful and it is not difficult to envisage that, at times, competition for spaces could be difficult for residents and visitors alike. Nevertheless, in my experience the area is similar to many long established high density housing areas where car ownership, not originally anticipated, has increased over time to render on-street parking a matter of some inconvenience owing to competition for the finite road space available. The peak demand for local parking on occasions will inevitably outstrip supply which means that people sometimes have to park away from their homes. Although the use of such spaces would require walking from the property to an available on street parking space such arrangements are not uncommon in urban areas with limited off-street parking.
8. The Council's SPG represents guidance only and should not be prescriptively applied. It is clear that the SPG has been prepared on the basis that the merits of the scheme and local circumstances should dictate the approach taken, and that is consistent with Planning Policy Wales (Edition 11, 2021) (PPW). PPW states that such standards should be applied flexibly and informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car whilst supporting a modal shift to walking, cycling and public transport (paragraphs 4.1.49 onwards).
9. I saw that the house is a short walking distance from a range of shops and services within Caerleon Road District Centre, which include convenience stores, restaurants, cafés, takeaways and a public house. There are also bus stops nearby offering a frequent and regular service to the City Centre and its wider facilities, services and employment opportunities.
10. It is likely that future residents would rely on the fact that the property is within a very sustainable location with local facilities being highly accessible by walking and cycling and having a frequent local bus service. The scheme also proposes to include dedicated cycle storage as part of the scheme thus encouraging the use of cycling over car use. Moreover, given its sustainable location within easy reach of a range of services and facilities and on a good bus route to the City Centre, it is likely that the proposed HMO, which generally offer a more affordable type of accommodation, would be more attractive to tenants who do not own a private car. Therefore, it would be reasonable to expect that

car ownership within the proposed HMO would be lower than the 1 per bedroom set out in the parking standards.

11. Therefore, having had specific regard to the circumstances of this case, and in particular the sustainability credentials of the development and the modest availability of on street parking in the wider area, I conclude that the proposed development would not represent a material threat to highway safety. I therefore find that the development would be compliant with the general thrust of Policies GP2, GP4 and H8 of the Adopted Newport Local Development Plan, January 2015 (LDP). The limited conflict with Policy T4 and the associated Parking Standards is justified by the sustainability credentials of the site.
12. The appellant has referred me to a number of allowed appeal decisions in Newport relating to HMOs where parking provision and highway safety were issues. I have noted the clear similarities between those appeals and the appeal before me, including one at No. 100 Caerleon Road. As such, I have afforded these decisions significant weight in my determination of this appeal but recognising that all appeals must be considered on their individual merits which I have done in this case.

### *Character and Appearance*

13. Although this issue does not form a reason for refusal by the Council, objections have been raised by local residents regarding the impact of the development on the character and appearance of the locality as a result of an overconcentration of HMOs in the local area and the transient nature of the future residents.
14. Policy H8 of the LDP seeks to ensure, amongst other things, that the proposal does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers; and the proposal would not create an over concentration of HMOs in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock. Policy GP2 further reinforces these objectives, particularly those relating to general amenity.
15. The 'Houses in Multiple Occupation' SPG provides guidance on how HMOs will be controlled in the city. It states in paragraph 5.5.4 that "In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock above a specified limit". The specified threshold is 15% within a 50 metre radius of the application site.
16. The Council's calculation for this proposal was that around 4.7% of existing residential properties within 50m of the site are HMOs. The proposal therefore complies with the Council's adopted policy and guidance aimed at avoiding an over concentration of HMOs within an area.
17. The proposal involves a residential use within a residential area and is therefore compatible. Whilst concerns have been raised in terms of increased littering, noise and disturbance in the area, no convincing evidence has been put before me to suggest that the intensification of the use of the property as a HMO would have a harmful effect on the living conditions of the occupiers of adjoining dwellings. Indeed, the figures put forward within the Officer's committee report clearly indicate that the thresholds set out within the Council's SPG would not be exceeded as a result of the appeal proposal. I conclude therefore that any additional activity and noise generated by the appeal proposal would not be significant within a busy context.
18. Concerns have also been raised regarding the overdevelopment of the property and the standard of the accommodation in terms of the space provided. I note that the Council

raises no objection in this regard and I find no reason to reach a different view, mindful that matters of safety and hygiene are adequately covered by other legislation.

19. Some local residents have raised concerns which appear to be based on unfounded assumptions regarding crime and the anti-social behaviour of future occupants of the development. However, there is no firm evidence, for example from Police records, that if there have been any such occurrences in the locality, they are attributable to occupants of the property or others in the street.
20. Notwithstanding this, the HMO use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons, I do not consider that the HMO use would change the character of the neighbourhood. Therefore, I consider that the proposal would not have a detrimental impact on the character and appearance of the area and would, therefore, comply with Policies GP2 and H8 of the LDP.

### *Conditions*

21. I have considered the suggested conditions put forward by the Council having regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014). I have agreed to impose the conditions for the reasons set out within the schedule below but, if necessary, I have adjusted their wording in the interest of clarity and precision. In addition to the suggested conditions, I shall also impose a condition relating to a scheme of Ecological Enhancement Measures for the reason given.

### **Conclusions**

22. Having regard to the above and considered all other matters raised, I conclude that the appeal should be allowed.
23. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of making our cities, towns and villages even better places in which to live and work.

*R Duggan*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out in accordance with the following approved plans: Drawing No. 3987.PL.02 – Existing and Proposed Block Plans; Drawing No. 3987.PL.03 – Existing Floor Plans; 3987.PL.04 Proposed Floor Plans.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

- 3) Prior to the first beneficial use of the property as a House in Multiple Occupation, the approved parking area containing 3no. spaces (2no. of which shall be installed with an Electric Vehicle Charging Point with minimum 7KW supply) shall be provided in full and made available for the use of parking. The parking spaces shall be retained and maintained in a useable condition and kept free of obstruction for the duration of the use.

Reason: In the interests of providing improved off-street parking provision, safeguarding residential amenity and promoting sustainable principles in accordance with Policy GP4, T4 and SP1 of the LDP 2011-2026 (adopted January 2015).

- 4) Prior to the first beneficial use of the property as a House in Multiple Occupation, the refuse stores shall be provided in accordance with the details shown on 'Drawing No. 3987.PL.02 – Existing and Proposed Block Plans' and thereafter retained and maintained for the duration of the use.
- 5) Reason: In the interests of residential amenity and provision of acceptable waste storage in accordance with Policy GP2 and W3 of the LDP 2011-2026 (adopted January 2015).
- 6) Prior to the first beneficial use of the property as a House in Multiple Occupation, the cycle store shall be provided in accordance with the details shown on 'Drawing No. 3987.PL.02 – Existing and Proposed Block Plans', and thereafter retained and maintained for the duration of the use and kept free of obstruction.

Reason: In the interests of residential amenity and sustainable travel in accordance with Policy SP1 and GP2 of the LDP 2011-2026 (adopted January 2015).

- 7) The use of the property as a House in Multiple Occupation shall have a maximum of nine bedrooms and nine persons.

Reason: In the interests of the character and appearance of the area and highway safety in accordance with Policy GP2 and GP4 of the LDP 2011-2026 (adopted January 2015).

- 8) Within three months of the date of this decision, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and Policy GP5 of the LDP 2011-2026 (adopted January 2015).