



## 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-02247-Q6X9P5

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 22/0657, dated 5 July 2022, was refused by notice dated 7 September 2022.
  - The development proposed is described as *“change of use from 2 flats to 4 apartments and associated works”*.
  - A site visit was made on 18 April 2023.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Simon Bell against Newport City Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was reported to the Planning Committee in September 2022 with a recommendation that planning permission be granted. The Committee resolved to refuse the application. The Local Planning Authority's committee report and statement contains the concerns of the local Members, reflecting the issues raised by local residents, which form the basis of the main issues identified below.

### Main Issues

4. I consider the main issues to be the impact of the development on:
  - highway safety;
  - the living conditions of the occupiers of neighbouring properties and the future occupiers of the property; and
  - whether the development would conflict with policy requirements relating to affordable housing provision.

## Reasons

5. 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, with the first flat containing 3no. bedrooms over the lower ground and ground floor and the second flat at first floor also containing 3no. bedrooms.
6. It is proposed to reconfigure the layout of the property to contain 4no. apartments comprising a 1no. bedroom apartment with a bathroom, kitchen and dining room at lower ground floor accessed from the rear; a two-bedroom apartment with a bathroom and kitchen/dining room at the ground floor level accessed via the front door. At first floor level there would be 2No. open plan studios that would be accessed via a staircase from the ground floor front door. Externally, it is proposed to demolish the existing garage and extend the parking area accessed from Orchard Lane to provide improved off-street parking for a total of three vehicles as well providing a communal garden space with bike and refuse storage.

### *Highway Safety*

7. Based on the Council's adopted Parking Standards there would be no increase in parking demand between the existing lawful use of the property as 2no. three bedroom flats and the proposed use. However, the objections raised by neighbouring residents and the Local Councillors raise significant concerns with regard to parking issues in the local area, namely the lack of available on street car parking, and the resulting highway safety issues.
8. At the time of my arrival, a little after 10:00 hrs, I was able to locate an unrestricted parking space close-by and there were a small number of other spaces available on surrounding streets. However, I would not consider them 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 have to park away from their homes on occasions. Although 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.
9. In addition, it may well be the case that the occupants of the appeal property, especially single persons, young professionals or those on lower incomes who would be attracted to live at the property, would choose not to own a motor vehicle. 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 linking the site to wider transport nodes and employment opportunities further afield. Overall, I see no reason to believe that the appeal scheme would result in a material increase in parking demand from the existing use of the property and would lead to indiscriminate parking in the area. The scheme also proposes to include dedicated cycle storage as part of the scheme thus encouraging the use of cycling over car use.
10. Limited persuasive evidence has been presented by the Council at the appeal stage to substantiate its concerns regarding car parking or the alleged issues arising from the

dimensions of Orchard Lane. However, I note that the Council's Highways department raised no observations to the scheme.

11. Therefore, based on the evidence presented I am content that the level of off-street car parking within the scheme complies with the Council's own parking standards and that sufficient car parking capacity exists within the locality to accommodate any potential increased demand generated by the development. The Council's adopted Parking Standards indicates that there would be no increase in parking demand between the existing lawful use of the property as 2no. three bedroom flats and the proposed use. In addition, given that the property is in a very sustainable location close to shops, services, employment opportunities and public transport availability, I consider that future occupiers are less likely to rely on their own vehicles.
12. As such, the proposed development would not exacerbate on road parking to the extent that highway safety or the free flow of traffic would be materially harmed. Therefore, the proposal would accord with Policies GP4, H8 and T4 of the Adopted Newport City Council Local Development Plan (LDP).

### *Living Conditions*

13. Policy GP2 requires development not to have a significant adverse effect on local amenity, not be detrimental to visual amenities of nearby occupiers or the character or appearance of the surrounding area and to provide adequate amenity for future occupiers; and Policy H8 states that self-contained accommodation will only be permitted if the scale and intensity of the use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers and adequate noise insulation is provided.
14. The Council's Flat Conversions Supplementary Planning Guidance, 2021 (SPG) seeks to ensure that flats provide reasonable living conditions and puts forward minimum internal floor space requirements for studio flats (32 sqm); one-bed flats (45 sqm) and 2-bed flats (58 sqm). The proposed internal floorspace of the proposed studios would be approximately 32.03 sqm and 39.97 sqm; the one-bed apartment would be 51.20 sqm, and the two-bed apartment would be approximately 70.00 sqm, which would exceed the floor space requirements of the SPG.
15. In terms of outdoor amenity space, the Flat Conversions SPG accepts that it is not always possible for this to be provided when converting an existing building. In this case, the proposed layout includes a shared garden space to the rear for the use of the future residents, but there would be a need to remove an existing canopy structure to the rear to increase the amount of light into the ground floor apartment. Moreover, the nature of apartments is such that they are unlikely to be occupied by families with children requiring outdoor amenity space, so the limited amount of amenity space proposed is not a reason to dismiss the appeal.
16. The Council's appeal statement also refers to the potential impact on the occupiers of the proposed lower ground floor apartment as a result of the access from Caerleon Road to the refuse and cycle stores which would be adjacent to the habitable windows. The Council considers that this would result in unacceptable noise and disturbance to the occupiers of the lower ground floor flat, which is further compounded by the intensified use of the building, resulting in four separate bin storage areas and storage for up to 10 bikes. Whilst I have taken these concerns into account, I consider that these issues already exist with the lawful use of the property and are issues that would generally be expected and accepted when living within a densely populated urban environment, where

some form of noise associated with the movement of other occupiers of the property in close proximity to habitable rooms would be a common occurrence.

17. A number of concerns have been raised by local residents regarding the intensification of the use of the property, the transient nature of the occupiers and the potential increased pressure on refuse storage and general noise and disturbance as a result of the development.
18. I saw that the appeal property is located within a residential area containing a mix of family dwellings and what appear to be flats. The area, therefore, while residential is not particularly quiet and is subject to a lot of traffic and pedestrian activity. Whilst the Council has raised an objection to the proposal in terms of increased noise, activity and disturbance in the area, no convincing evidence has been put before me to suggest that changing the layout of the property from two flats to four apartments would have a harmful effect on the living conditions of the occupiers of adjoining dwellings or have a detrimental impact on the character and appearance of the area. In addition, there would be a net reduction of one bedroom and therefore the number of occupiers when compared to the existing lawful use of the property.
19. I saw that Caerleon Road is also a heavily trafficked road. Therefore, the area is not particularly quiet and is subject to a lot of passing traffic and pedestrian activity. Any additional activity and noise generated by the appeal proposal would not be significant within a busy context.
20. With regard to waste and recycling storage, the scheme provides an area within close proximity to the collection on Caerleon Road and that this could be managed in the same way as the existing flats within the property. Nevertheless, I consider it necessary that this issue would need to be addressed via the imposition of a condition requiring further information to be submitted to and agree by the Council.
21. Having regard to the above, I consider that the proposal would provide a suitable level of internal space for future residents of the four apartments, and that the living conditions of the occupiers of neighbouring properties would not be harmed. The development would, therefore, comply with Policies GP2, H8 and W3 of the LDP.

#### *Affordable Housing*

22. PPW states that having good quality affordable homes is the foundation of living well which brings a wide range of benefits to health, learning and prosperity. It highlights the importance of ensuring that all communities have access to a range of well-located and designed energy efficient market and affordable homes to meet their needs, and that the planning system must enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places.
23. Policy SP13 of the LDP requires development to help deliver more sustainable communities by making contributions to local and regional infrastructure, including affordable housing. The application property lies within the Housing Target Area of Newport East which has aspirations for the delivery of 20% affordable housing on new development; and the equivalent commuted sum generated by the proposed scheme is £940,00.
24. Following the submission of the appeal the appellant was given an opportunity to submit a planning obligation in pursuance of Section 106 of the Town and Country Planning Act 1990 which would ensure that the appellant would pay the Council the affordable housing

contribution in line with LDP policies and the SPG. However, the appellant has failed to submit a planning obligation.

25. The provision of the contribution would be a benefit to the community and would assist the Council in delivering affordable housing in the Council area. As the appellant has not provided a planning obligation to pay the financial contribution the proposed development conflicts with Policy SP13 of the LDP.

### **Conclusions**

26. Having regard to the above and considered all other matters raised, I conclude that the appeal should be dismissed.
27. 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