

**Newport City Council**

*Supplementary Planning Guidance*

# **FLAT CONVERSIONS**



*October 2021*



Mae'r ddogfen hon ar gael yn Gymraeg, gyda fformatau eraill ar gael ar gais /

This document is available in Welsh, with other formats available on request.

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## **1.0 INTRODUCTION**

### **1.1 What is supplementary planning guidance (SPG)?**

1.1.1 Published as an addition to the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015), supplementary planning guidance provides clear, in-depth advice on a range of planning and development issues. Before it can be adopted, it has to undergo a period of public consultation and then receive the council's approval. Once adopted, it constitutes a material consideration in the determination of relevant planning applications.

### **1.2 What is the history of the Flat Conversions SPG?**

1.2.1 This SPG was formally adopted on 06 August 2015. It has been updated in October 2021 to add clarification on points raised in the ongoing use of the guidance.

### **1.3 What is the purpose of this SPG?**

1.3.1 This SPG has three main functions:

- i) To ensure that occupants of converted flats (excluding houses in multiple occupation, which are licensed by the Public Protection Service) have reasonable living conditions;
- ii) To ensure that converted flats do not deprive persons in existing dwellings of reasonable living conditions; and
- iii) To protect the character and appearance of the built environment.

## **2.0 TERMINOLOGY**

### **2.1 Dwelling**

2.1.1 A flat (including bed-sits and studio flats) or a house.

### **2.2 Habitable room**

2.2.1 Any room used or intended to be used for sleeping, living, cooking or eating purposes. Enclosed spaces, such as bath or toilet facilities, service rooms, corridors, laundries, hallways and utility rooms, are excluded from this definition.

### **2.3 Protected window**

2.3.1 An opening (that is, a door or a window) that serves a habitable room in a dwelling.

Note:

A house with a rear extension such as a conservatory whereby it is predominantly glazed, may retain a door or a window in its original rear elevation. If such an extension has an opaque roof (i.e. does not let light through), the Council will treat the rearmost opening (that is, the door or window in the extension) as the protected window. If, however, the conservatory has a transparent roof that does not significantly prejudice light to original openings, the Council may decide to treat these original rear openings as the protected windows

Note:

These terms are provided only for the purposes of this supplementary planning guidance. In no way do they alter or supersede similar terms in planning legislation or national policy documents.

## **3.0 POLICY CONTEXT**

### **3.1 Legislation**

3.1.1 **The Planning (Wales) Act (2015)** enables the creation of an efficient planning process that ensures the right development is located in the right place. This is done through adherence with the Well-being of future generations Acts (see below) to ensure that we plan and manage our resources in an engaged and sustainable way. There is greater emphasis on development engagement at the pre-application stage. This approach will help ensure issues such as design and amenity are considered at the earliest stage.

3.1.2 **The Well-being of Future Generations (Wales) Act (2015)** is about improving the social, economic and cultural well-being of Wales. The Act ensure that local authorities deliver sustainable development by considering long term effects as well as encouraging a more joined up approach. The Well-being of Future Generations Act put in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales.

### **3.2 National Policy**

3.2.1 *Planning Policy Wales (Edition 10, December 2018)*

This document sets out the land-use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters.

3.2.2 An overarching objective of PPW is the need for planning to take an active and positive role in placemaking<sup>1</sup>. This approach is even to be taken at the householder scale, paragraph 2.7 states; Placemaking in development decisions happens at all levels and

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<sup>1</sup> The definition of placemaking here is ‘a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

3.2.3 Paragraphs 1.1.8 & 1.1.9 also states:

It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society. In taking planning decisions the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

3.2.4 National Planning Policy is clear that in seeking to achieve good design developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.2.5 In addition, the density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development. The special characteristics of an area should be central to the design of a development.

3.2.6 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys

3.2.7 *Technical Advice Note 12: Design (2016)*

Paragraph 1.6 states the following:

The purpose of this TAN is to equip all those involved in the design of development with advice on how ‘Promoting sustainability through good design’ and ‘Planning for sustainable building’ may be facilitated through the planning system.

3.2.8 Paragraph 2.2 states the following:



“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales — from householder extensions to new mixed use communities.”

### 3.2.9 *Technical Advice Note 15: Development and Flood Risk (2004)*

This document establishes a precautionary framework for assessing development proposals in flood-prone areas. In certain circumstances, developers may have to submit Flood Consequence Assessments in an attempt to justify their proposals. In especially vulnerable locations, however, even the principle of residential development is unlikely to be acceptable.

## **3.2 Local policy**

### 3.2.1 *Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015)*

Policy GP2 (General Amenity) states the following:

“Development will be permitted where, as applicable:

- i. There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- ii. The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- iii. The proposal seeks to design out the opportunity for crime and antisocial behaviour;
- iv. The proposal promotes inclusive design both for the built development and access within and around the development;
- v. Adequate amenity for future occupiers.”

3.2.2 Policy H2 (Housing Standards) states the following:

“Residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.”

Excerpt of supporting text:

“Residential development of all types, whether new development, redevelopment, conversions, extensions or changes of use, should be carried out in as sustainable way as possible, to reduce the impact on the environment both of the construction and subsequent use of the dwelling.”

3.2.3 Policy H8 (Self-contained Accommodation and Houses in Multiple Occupation) states the following:

“Within the defined settlement boundaries, proposals to subdivide a property into self-contained, bedsits or a house in multiple occupation will only be permitted if:

- i. The scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
- ii. The proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
- iii. Adequate noise insulation is provided;
- iv. Adequate amenity for future occupiers.”

3.2.4 Policy SP3 (Flood Risk) states the following:

“Newport’s coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the

threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.”

## **4.0 GENERAL PRINCIPLES AND CONSIDERATIONS**

### **4.1 Does a flat conversion always require planning permission?**

4.1.1 Yes. Even the creation of one flat within an existing dwellinghouse constitutes a material change of use of the building. In addition, Section 55(3) of the Town and Country Planning Act 1990 defines the subdivision of a dwellinghouse into two or more separate dwellings as a material change of use that requires planning permission. A separate dwelling may take the form of a flat, a flatlet, a bedsit or a maisonette, and it may be separated from another dwelling by physical means, such as exclusive facilities, services and access, or by legal means, such as individual letting arrangements.

### **4.2 The council's approach**

4.2.1 The council recognises the contribution that flat conversions make to the city's housing stock. In particular, such units make more efficient use of existing buildings and encourage people to maintain or improve old ones. Inappropriate conversions, however, can worsen neighbours' living conditions and give rise to parking problems. This guidance describes the circumstances in which proposals for flat conversions are likely to be acceptable.

### **4.3 How does the council assess flat conversions?**

4.3.1 The following list is not exhaustive, but, when determining an application for planning permission, the council considers such issues as:

- The availability of on-street and off-street parking;
- Neighbours' living standards (with particular regard to noise and privacy);
- Future occupants' living standards (with particular regard to internal floor space, outdoor amenity space, parking, bin storage, bicycle storage and noise);
- Impact on the character and appearance of the building and the streetscape.

4.3.2 The council may be willing to relax the requirements for off-street parking and outdoor amenity space in the city centre, but applicants must first demonstrate that the living standards of future occupants and neighbours would not suffer as a consequence of any shortfall.

#### **4.4 Which types of buildings might be suitable for conversion?**

4.4.1 Conversion opportunities might include:

- Old and large houses that may be difficult to sustain as single dwellings because of their size and location;
- Commercial or institutional buildings that are no longer needed for their original purposes; and
- The upper floors of business premises within commercial areas, including the city centre.

4.4.2 Any scheme that involves an extension will be assessed against policies GP2 (General Amenity), GP6 (Quality of Design) and Policy H2 (Housing Standards) of the Newport Local Development Plan 2011 – 2026 (Adopted Plan, January 2015).

#### **4.5 Development in conservation areas**

4.5.1 When assessing a development proposal in a conservation area, the council has a duty to pay special attention to the “desirability of preserving or enhancing the character and appearance of [a conservation] area” (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). In every submission, therefore, the applicant must indicate precisely how the proposed development would appear in the context of its surroundings.

#### **4.6 Legal and statutory requirements**

- 4.6.1 It is recommended that developers consider all of the legal and statutory requirements that might affect their proposals. Of particular relevance are the Party Wall etc. Act 1996, the Countryside Act, details of property ownership, rights of land and listed-building consent.

#### **4.7 Building regulations**

- 4.7.1 Flat conversions may require building-regulations approval. Advice and application forms can be obtained from the Building Control section of the Newport City Council website.

#### **4.8 Necessary consents and certificates**

- 4.8.1 Those who undertake flat conversions without the necessary consents may find it difficult to sell their properties in the future. They will not, for instance, be able to provide prospective buyers (or their representatives) with copies of certificates.

#### **4.9 Enforcement**

- 4.9.1 Newport City Council may take enforcement action against (and, if necessary, prosecute) those who commence development without having obtained the necessary permission.

#### **4.10 Lawful Development Certificates**

- 4.10.1 A developer may apply for a Lawful Development Certificate (LDC) so long as the converted flat in question has served as a dwelling for at least four years.

#### **4.11 Wildlife**

- 4.11.1 Dwellings, as well as their outbuildings and curtilages, may support protected species that are material to planning decisions, such as bats, barn owls, swallows and house martins. The Wildlife and Development SPG outlines a range of potential

considerations in planning proposals. Further advice may be found via the Natural Resources website (<http://naturalresources.wales>).

#### **4.12 Sustainable Drainage Systems**

The Flood and Water Management Act (FWMA) 2010 (Schedule 3) came into effect in Wales on 7<sup>th</sup> January 2019 and requires all new developments where the construction area is 100m<sup>2</sup> or more to use Sustainable Drainage Systems (SuDS) to manage on-site surface water. These surface water drainage systems must be designed and built in accordance with mandatory Welsh Government national standards, published by Welsh Ministers. They must be approved by the council's Sustainable Drainage Approving Body (SAB). The SAB will undertake the statutory function of ensuring that surface water drainage proposals meet with the mandatory national standards and will adopt and maintain SuDs in accordance with Section 17 of Schedule 3 of the FWMA 2010.

For all qualifying developments, SAB approval must be sought in addition to planning approval. Construction will not be allowed to commence on site following the granting of planning consent until SAB approval has also been granted. The SAB offers a chargeable Pre- Application Advice service to discuss & consider surface water drainage proposals in detail and we strongly recommend applicants consider this prior to making a Full Application.

Information regarding SuDS, applying for SAB approval and the scale of charges can be found on the NCC website under Sustainable Drainage Systems. The SAB can also be contacted via email: [sab@newport.gov.uk](mailto:sab@newport.gov.uk).

## **5.0 GUIDANCE NOTES**

### **5.1 General**

#### **5.1.1 *FC 1.1 (Conservation areas)***

Planning applications that relate to properties in conservation areas must indicate precisely how the proposed development would appear in the context of its surroundings.

#### **5.1.2 *FC 1.2 (Listed buildings)***

Applications for listed-building consent should contain details of all proposed internal and external works.

### **5.2 Living conditions**

#### **5.2.1 *FC 2.1 (Living conditions)***

A converted flat should offer its occupants reasonable levels/amounts of natural light, perceived space, privacy, ventilation, peace and quiet, noise attenuation, outdoor amenity space, parking, cycle storage, and bin/recycling storage.

#### Notes:

i) *Converted roof spaces*

Roof lights, unless installed in such numbers that they risk spoiling the appearance of a building, are unlikely to meet council amenity standards on their own. In some circumstances, therefore, it may be necessary to build one or two well-designed dormers.

ii) *Converted basements*

Basement flats that either contain no windows or offer protected windows with very limited outlooks will not be acceptable.



### 5.3 Internal layout

5.3.1 It is essential that converted flats offer their occupants reasonable living conditions.

#### 5.3.2 FC 2.2 (Internal floor space)

A flat conversion should meet the relevant desired standard for gross internal floor space:

Beds/bedrooms	Flat type			
	<i>Studio</i>	<i>Converted</i>	<i>New</i>	
			<i>Common Access<sup>2</sup></i>	<i>Walk Up<sup>3</sup></i>
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

**Figure 1: Desired standards for gross internal floor space (square metres)**

Note:

Gross internal floor space includes circulation space and any space occupied by fixtures, appliances, work surfaces, etc.

If the dwellings proposed are to be affordable housing that are in receipt of social housing grant they will need to meet the relevant DQR standards.

5.3.3 Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a

<sup>2</sup> Common access is where more than one flat is accessed from a communal entrance.

<sup>3</sup> Walk up is where a flat has its own direct access point which is not shared.

neighbouring property unless the fabric of the building contains suitable acoustic insulation.

## **5.4 Design**

### **5.4.1 FC 3.1 (*External alterations*)**

External alterations in association with a flat conversion should respect the character and appearance of both the building and the streetscape.

Note:

New doors and windows in a converted ground-floor commercial unit should be identical to those in the upper floors. Developers must take particular care when a proposal would affect a listed building or a conservation area (see below for guidance).

## **5.5 Noise**

### **5.5.1 FC 4.1 (*Acoustic insulation*)**

In order to ensure that occupants have adequate living conditions, a converted flat in a noisy location should feature noise-attenuation and ventilation measures.

Note:

Applicants should submit details of noise-attenuation and ventilation measures with the initial planning application. Alternatively, they may submit the required details with subsequent discharge-of-condition applications. A degree of disturbance must be expected in certain locations, such as the city centre, but proposals that would fail to protect prospective occupants from excessive external noise will not receive planning permission.

## **5.5 Amenity space**

### **5.5.1 FC 5.1 (*Outdoor amenity space*)**

Outdoor amenity space, whether a back garden or a patio, should be made available to the occupants of a converted flat wherever the opportunity exists.

## **5.6 Bins**

### *5.6.1 FC 6.1 (Refuse and recycling arrangements)*

Dustbins and recycling boxes should be provided outside the flat, but within the curtilage of the property, in the least conspicuous location possible.

## **5.7 Access**

### *5.7.1 FC 7.1 (Access)*

A rear passageway will be acceptable as a primary access point only if it is wide and well lit. In no circumstances may a flat and a non-residential unit (e.g. a shop) share a single entrance.

## **5.8 Converting roof spaces**

### *5.8.1 FC 8.1 (Converted roof spaces)*

A converted roof space must offer its occupants sufficient natural light.

Note:

- i) Roof lights, unless installed in such numbers that they risk spoiling the appearance of a building, are unlikely to meet council amenity standards on their own. In some circumstances, therefore, it may be necessary to build one or two well-designed dormers.
- ii) Developers should consider whether ceiling heights are sufficient to allow reasonable use of the proposed living space.

## **5.9 Loss of privacy**

### *5.9.1 FC 9.1 (Protected windows and separation distances)*

In order to ensure that all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and converted dwellings.

Notes:

- i) Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders).
- ii) Protected windows that do not face one another may be less than 21.00 metres apart.

**5.9.2 FC 9.2 (Protected windows and adjacent gardens)**

In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens.

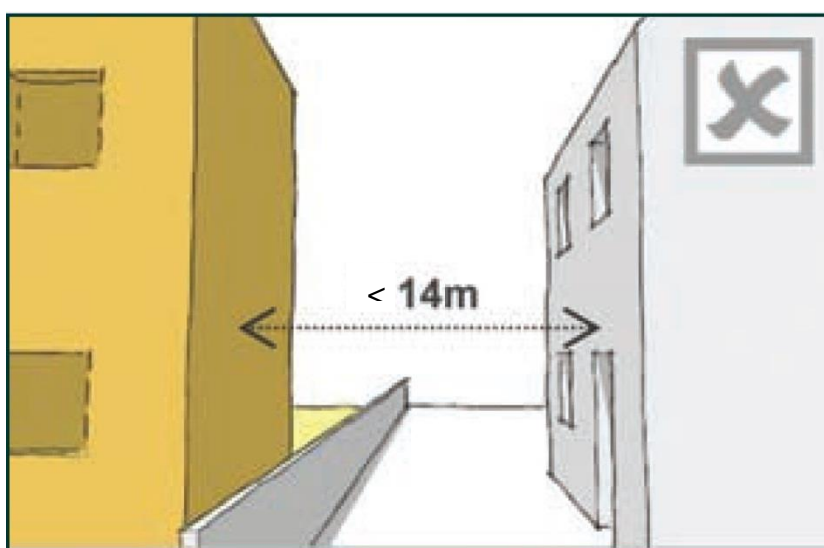
Note:

When judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences).

**5.10 Loss of perceived space and visual amenity**

**5.10.1 FC 9.3 (Protected windows and blank two-storey elevations)**

Development that reduces the distance between a protected window and a blank two-storey elevation to less than 14.00 metres is unlikely to be acceptable.



**Figure 2: Distance of 14.00 metres between a protected window and a blank two-storey wall**

## **5.11 Concluding note**

5.11.1 Every application for development requires the council to assess whether any residents would experience a material (that is, substantial and harmful) loss of privacy, natural light or perceived space. No two application sites have identical physical characteristics, however, and very few sites conform to the “textbook” scenarios illustrated in this guidance. The council must, therefore, consider how factors such as orientation, topography and spatial relationships between buildings might accentuate or diminish the impact of a proposal. For instance, a south-facing window receives a great deal of direct sunlight between dawn and dusk, whereas a north-facing window receives only diffuse and, on occasion, oblique light. Of the two, then, it is the former that is more likely to be left in shadow by a neighbour’s extension or outbuilding. Lastly, the council must also take into account how development proposals might affect, or be affected by, other proposals that have received planning permission and are likely to be implemented.

## **6.0 PARKING, DRIVEWAYS/ACCESS ROADS, TRAFFIC AND VISIBILITY**

### **6.1 Parking**

#### **6.1.1 *FC 10.1 (Parking standards)***

Development proposals must comply with the Newport City Council Parking Standards 2015 (or any supplementary planning guidance that amends or replaces these standards).

Note:

The council favours off-street parking, but schemes that sacrifice entire gardens in order to provide parking spaces will not receive planning permission. Proposals that cannot provide off-street parking and are likely to create or exacerbate on-street parking problems will also be unsuccessful. The council may, however, relax certain requirements if an applicant can demonstrate that a proposal is sufficiently well served by public transport and local services. Planning decisions will also take account of the manner in which buildings are currently used. For instance, even in the absence of off-street parking, the council may grant planning permission if the proposed development would create less demand for parking than the existing use.

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