



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 09/10/2026

Appeal reference: CAS-04941-H7J3B6

Site address: 6 Cardiff Road, Troedyrhiw, Merthyr Tydfil CF48 4LB

- 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. Joshmir Jaswal, Letts Refurb Limited, against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/25/0269, dated 8 October 2025, was refused by notice dated 1 December 2025.
 - The development is the proposed change of use from dwelling to a 8-bedroom HMO all with en-suites.
 - A site visit was made on 1 July 2026.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the appellant, as stated on the appeal form, differs to that on the original application form. As the right to appeal is reserved solely for the original applicant, the appeal will proceed in the name of the applicant as stated on the original application form.

Main Issues

3. These are the effect of the proposal on:
 - a. the living conditions of prospective occupiers;
 - b. the safety and living conditions of prospective occupiers, with regard to flood risk.
 - c. highway safety, with particular regard to parking.

Reasons

Living Conditions

4. The proposal is for the conversion of a 5no. bedroom dwelling to an 8no. bedroom (all with ensuite) house in multiple occupancy (HMO). The proposed HMO would have two shared kitchen/dining areas, and the evidence suggests they would measure

approximately 20.28m² on the ground floor and approximately 11.02m² on the first floor and no identified communal living area.

5. The submitted Existing and Proposed Plans (drawing number: 2024-001 – Card, Rev. B) indicates that, once kitchen fixtures and fittings, dining furniture and associated circulation space are accommodated, there would be little functional space for sitting and relaxing comfortably in either kitchen/dining area.
6. Although this is not a planning policy requirement, the Council has identified a minimum space standard of 27.5m² for combined kitchen, dining and living space. I acknowledge that the two rooms would exceed that figure when considered together. However, dividing the space between two rooms limits how effectively it could fulfil all three functions, and their combined floorspace does not overcome the limited usable space available for communal living. Based on the layout as proposed, I am not satisfied that the proposed communal spaces would provide a satisfactory living area alongside its cooking and dining functions.
7. The prospective occupiers would, therefore, be reliant on their bedrooms for quieter activities, such as reading, watching television or simply relaxing away from other tenants. Adequate space for these activities is particularly important in an HMO, where residents may be unrelated and previously unknown to one another.
8. Two of the ground floor bedrooms are modest in size, measuring approximately 6.6.sqm each. Once a bed and reasonable storage were accommodated, and sufficient circulation space retained to move around the room and access the en-suite bathroom, little usable space would remain for comfortable seating. The limited size of these bedrooms would materially constrain their use as both sleeping and living accommodation. Occupants would have limited opportunity to sit and relax comfortably in their own rooms, whilst the shared accommodation would provide no satisfactory alternative, resulting in cramped and unsatisfactory living conditions.
9. I, therefore, conclude that the proposal would over-intensify the residential use of the property, having regard to the living space available, and harm the living conditions of prospective occupants of the two smallest bedrooms. This is in conflict with LDP Policy SW11 which states that new development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design and that new development will be required to, amongst other things, not result in unacceptable impact on local amenity.

Flood Risk

10. The appeal property lies within Flood Zone 2 (rivers) as defined on the Flood Map for Planning (FMfP). LDP Policy EnW4 states that development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements of Technical Advice Note 15: Development, Flooding and Coastal Erosion (TAN 15).
11. TAN 15 categorises residential development, including HMOs, as highly vulnerable development. Although the property is already in residential use, the proposal would increase the number of bedrooms from five to eight, introducing four ground-floor bedrooms. TAN 15 states that planning applications in Zone 2 must be accompanied by a Flood Consequences Assessment (FCA) which clearly describes the flood risk and the risks must be acceptable; no FCA has been submitted in relation to this appeal.
12. The property's proximity to the flood zone boundary does not establish that its annual probability of flooding is close to 0.1%, as the appellant suggests, or that occupants could safely reach the nearby land outside the zone during a flood event. Figure 5 of

TAN 15 sets flood free requirements for highly vulnerable development based on a 1% river event, with an allowance for climate change. The appellants claimed lower annual probability does not establish acceptable flood consequences and is, in any event, unsubstantiated. Without an FCA, I cannot establish whether those requirements would be met or whether the consequences of flooding would be acceptable.

13. Furthermore, the discretion referred to in paragraph 6.1 of TAN 15 concerns householder development affected by surface water and small watercourse flooding. It does not apply to this change of use to an HMO in an area at risk from river flooding. I recognise that TAN 15 allows greater flexibility for changes of use where opportunities for substantial redesign are limited. Nevertheless, that flexibility does not remove the need to assess the risks and demonstrate that flood consequences could be acceptably managed.
14. The evidence before me is, therefore, insufficient to establish whether future occupiers would be safe during a flood event or whether suitable measures could be incorporated within the proposed scheme to protect them. This is particularly concerning given the introduction of four ground floor bedrooms. My findings are reinforced by the concerns raised by Natural Resources Wales in their consultation response. I, therefore, conclude that it has not been demonstrated that the consequences of flooding would be acceptable or that the proposal would provide safe living conditions for future occupiers. This is in conflict with LDP Policy EnW4 and the requirements of TAN 15.

Highway Safety

15. The appeal property fronts onto Cardiff Road and has no dedicated off-street parking. Many nearby terraced properties similarly rely on parking along the highway. During my visit, I observed that parking immediately outside the property was unrestricted. However, the carriageway is narrow and does not appear wide enough to accommodate parking on both sides while maintaining room for passing traffic. Further along Cardiff Road, around the commercial premises near the junction with Bridge Street and Tyntaldwyn Road, parking restrictions limit the availability of on-street spaces. Whilst I observed some vacant spaces during my daytime site visit, this represents only a snapshot in time and would not necessarily reflect conditions during periods of peak demand.
16. Policy SW11 requires development to demonstrate that traffic movements would not have an unacceptable effect on highway safety and to satisfy the Council's parking standards. The Council considers that the proposal would result in a shortfall of 6no. parking spaces in comparison to the 3no. required for the existing residential dwelling, assuming one space per resident and one for visitors. However, the Highway's Authority confirm the Wales Parking Standards 2013 do not specifically cover large HMOs, so this figure represents an estimate of demand.
17. Planning Policy Wales (Edition 12) (PPW) is clear that parking standards should be expressed as maxima and that parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.
18. The appeal site is in a sustainable location, with local shops, services and public transport links, including a bus stop and railway station within a short walking distance from the appeal property, with adequate pedestrian infrastructure. Secure cycle storage is also proposed. Given this, I consider that the proposed HMO would be particularly attractive to occupiers without regular access to a private car. I am, therefore, not persuaded that one vehicle per resident is likely and I would expect the increase in

parking demand over and above that associated with the existing dwelling to be limited. However, with no off-street provision, any limited increases in parking demand would need to be accommodated within the surrounding roads.

19. The appellant's parking survey provides only basic information. Although it includes photographs attributed to Cardiff Road, it does not clearly identify the extent of the street surveyed or the quantity of their usable parking capacity. There is no measured assessment of the space available or consistent count of occupied and vacant spaces, and evening coverage of the survey is limited. I, therefore, do not consider the parking survey gives a robust or comprehensive assessment of the parking availability in the vicinity of the appeal site and I have given it limited weight.
20. Based on my onsite observations and the comments from local residents, I acknowledge that demand for on-street parking generated by surrounding commercial and residential uses is likely to be high. However, there is no cogent evidence before me that existing parking demand is causing highway or pedestrian safety problems. Furthermore, during my site visit, I saw no evidence of indiscriminate parking or associated safety issues, and the Council confirms no accidents have been recorded along Cardiff Road in the last five years.
21. Taking the above together and based on the evidence before me, I consider that the limited increase in demand anticipated would have a minimal effect on existing parking conditions. Whilst it could increase competition for spaces and make finding convenient spaces more difficult for existing and future residents, inconvenience would not itself amount to harm to highway or pedestrian safety. Nor am I persuaded that any displacement of parking onto nearby streets would be sufficient to materially worsen congestion or compromise highway safety. Overall, I am not of the view that a small increase in parking demand would materially affect the safe operation of the highway network or lead to indiscriminate parking creating traffic hazards. I, therefore, conclude the proposal would not have a harmful effect on highway safety, with particular regard to parking, and would accord with LDP Policy SW11.

Other Matters

22. I acknowledge the benefits of the proposal identified by the appellant, including that the provision of additional low-cost accommodation options in the area and the likely improvements in the property's energy efficiency through refurbishment. However, the scope of these benefits is limited, given the scale of the development, and do not outweigh the harm I have identified above.

Conclusion

23. I have found that the proposal would be acceptable in terms of highway safety. However, the harm to the living conditions of prospective occupants and the failure to demonstrate that the consequences of flooding would be acceptable and future occupants would be safe are significant and compelling factors that has led to my decision. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.
24. 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 one or more of the Welsh Ministers' well-being objectives.

L. Hughson-Smith

INSPECTOR