
Appeal Decision

Site visit made on 19 July 2017

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2017

Appeal Ref: APP/M3455/W/3173572

Land rear of 43 Mynors Street, Hanley, Stoke-on-Trent ST1 2DH

- 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 S Heap against the decision of Stoke-on-Trent City Council.
 - The application Ref 60632, dated 7 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is retention of derelict building to provide two dwellings (resubmission of planning application 58725/FUL) – part retrospective.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is common ground that as the Council cannot demonstrate a five year housing land supply, paragraph 14 of the National Planning Policy Framework (the Framework) is engaged.
3. Based on the evidence before me, I have no reason to disagree with the consensus view on this matter. This is a matter I return to in the planning balance following consideration of the main issues below.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide an acceptable living environment for future residents, with particular reference to amenity space, internal space, safety and day/sunlight;
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - The effect of the proposal on the living conditions of neighbouring occupants, with particular reference to privacy.

Reasons

Living Environment

5. The appeal site is a two storey detached outbuilding with adjoining amenity area located to the rear of No 43 Mynors Street. No 43 is a two storey end of terrace property set at a level lower than the appeal building. The site is

approximately 39 metres from Mynors Street and 35 metres from Eaton Street and is reached via an alleyway with limited natural surveillance. The site has been subject to previous dismissed appeal decisions¹.

6. The lack of amenity space for the occupant of the upper unit was a concern highlighted by the previous Inspector. The Council raise the same concern in this appeal. Whilst the proposal does not comprise family housing, it is reasonable that both future occupants are provided with a useable outdoor amenity space. Indeed, section R16 of the Council's Urban Design Guidance Supplementary Planning Document (SPD) seeks to ensure that development provides some form of useable private or shared communal outdoor space for each dwelling.
7. A timber screen encompassing the entire width of the paved amenity area would ensure privacy for the ground floor occupant. However this design feature would prevent the second floor occupant from having access to an outside amenity area. A lack of amenity space would not be negated by the shared waste and recycling facilities or by local demand for the bedsits demonstrated by the previous occupation of the building. Northwood Park, the grounds of the Holy Trinity Church or alternative methods to dry clothes would not fully compensate for a lack of amenity space. Although amenity areas serving surrounding properties are modest in size, they nonetheless provide neighbouring occupants with a degree of use and value.
8. As the bedsits are self-contained, I agree with the Council that its HMO Housing Standards document do not apply to the proposal. Consequently, no local internal residential space standards are before me. This aside, I note that the previous Inspector raised no concern in this respect.
9. SPD section R19 requires dwellings to provide sufficient levels of light for occupants by avoiding north facing single aspect flats. Whilst access arrangements have been revised, a north facing single aspect is proposed for both bedsits. During my site visit I saw that the bedsits received a limited degree of day and sunlight. Furthermore, the previous Inspector raised concern regarding the single aspect design and considered that the scheme did not provide an ideal living environment for occupants. In this respect, the proposal remains contrary to the SPD and has not overcome concerns of the previous Inspector. In my view, being dependent on a north facing single aspect for day and sun light would create an unacceptable living environment for future occupants.
10. The Council have expressed concerns regarding the proposed access arrangements, particularly in the context of anti-social behaviour in the area. However, the Inspector dealing with the previous case outlined that matters of crime and safety were not a sufficient basis on which to dismiss the appeal. With no material change in circumstances since the previous appeal decision, I agree with the conclusions of the previous Inspector.
11. The fact that the building has been occupied for residential purposes is not indicative of an acceptable living environment. Nor does the absence of harm in relation to safety and internal space provision prevent or outweigh the harm to the living conditions of occupants by way of inadequate amenity space and levels of day/sunlight.

¹ APP/M3455/C/16/3142726 and APP/M3455/W/16/3142715

12. Therefore the proposal would not provide future residents with an acceptable living environment, with particular reference to amenity space and day/sunlight. Consequently and insofar as they relate to this matter, the proposal would not meet the requirements of Core Spatial Strategy (CSS) Policy CSP1 and paragraph 17 bullet point 4 of the Framework. Of relevance, these policies seek to ensure that development contributes positively to healthy lifestyles and ensures a good standard of amenity for future occupants of land and buildings.

Character and Appearance

13. To overcome previous concerns, the infill brickwork for the windows and door would be recessed and match the materials in the appeal building. However the proposal would still comprise a single aspect and include three featureless blank elevations. Based on the corner location of the building, the three blank elevations are clearly visible from the adjoining alleyways and would be incongruous in the context of the traditional terraced residential character of the surrounding area.
14. As the original window openings were modest in scale and number I cannot agree that reinstating them would overburden the building or result in an over-domesticated appearance. Based on the design solution proposed for the first floor north elevation window, I am not convinced that reinstating the windows would result in privacy issues.
15. Of relevance to this matter, section R12 of the SPD requires residential development to contribute to improving the character and quality of an area. In addition, paragraphs 56 and 64 of the Framework highlight the importance of good design and outline that permission should be refused for poorly designed development. Based on my reasoning above, the proposal would be a poorly designed development.
16. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently and insofar as they relate to this matter, the proposal would not meet the requirements of CSS Policy CSP1 and paragraphs 56 and 64 of the Framework. Of relevance, these policies require development to be of a good design that contributes positively and responds to local character.

Neighbours

17. The Inspector considered that limited views from the appeal building into surrounding properties are comparable to existing levels of overlooking in the vicinity and that an appropriate design would ensure privacy for neighbouring occupants. Obscure glazing to the lower section of the eastern first floor window would sufficiently limit views across the rear amenity areas that serve properties along Mynors Street. Views from the other first floor window involve the roofs of outbuildings and thus do not offer direct views of neighbouring rear amenity areas. Consequently the obscure glazing would ensure a more private zone as required by sections R16 and R17 of the SPD.
18. Therefore the proposal would not have a harmful effect on the living conditions of surrounding neighbours, with particular reference to privacy. Consequently and insofar as they relate to this matter, the proposal would meet the requirements of Policy CSP1 of the CSS and paragraph 17 bullet point 4 of the

Framework. Of relevance, these policies require development to ensure a good standard of amenity for existing occupants of land and buildings.

Planning Balance

19. Paragraph 14 bullet point 4 of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. A number of benefits are put forward in support of the proposal.
20. The proposal would contribute to local spend, local labour, housing supply, widen housing choice and have good access to shops, services and facilities. The proposal would retain and reuse a building of some local historic interest and thus ensure it does not become dilapidated. In addition, the police consider that occupation of the building could reduce the likelihood of anti-social behaviour. Based on the modest scale of the proposal, these benefits combined attract some weight in favour of the appeal.
21. I have identified no harm in relation to the living conditions of neighbouring occupants or to future occupants by virtue of crime and safety and the internal space proposed. However an absence of harm in these respects can only be considered as a neutral factor in the planning balance.
22. A Secretary of State (SOS) decision² is cited, which in the context of the White Paper 'Fixing our broken housing market' gave very substantial weight to the benefits of market and affordable housing. However, unlike the appeal before me, the SOS case involved a large number of houses. Therefore the associated balancing exercises are not comparable. In addition, moderate weight was afforded to the contribution of one dwelling to housing supply in the appeal decision³ cited by the appellant at Loggerheads, Staffordshire.
23. In this case, the combined weight afforded to the benefits listed above would be significantly and demonstrably outweighed by the weight afforded to the proposal's harm identified to future occupants and to the surrounding character and appearance. Furthermore, on this basis, the proposal cannot be considered to be sustainable development as defined and sought by the Framework.

Other Matters

24. In reaching this view I note that the Council and previous Inspector considered that the proposal is acceptable in principle. However both the Council and Inspector concluded that on matters of detailed design the proposal was deficient. Such circumstances apply to the proposal before me.

Conclusion

25. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

² APP/K3415/A/14/2224354

³ APP/P3420/W/15/3008866