



Appeal Decision

Site visit made on 9 October 2018

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2018

Appeal Ref: APP/M3455/W/18/3204480

148 Birches Head Road, Stoke-on-Trent ST1 6ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Brooks of Pegasus Development against the decision of Stoke-on-Trent City Council.
 - The application Ref: 62135, dated 16 January 2018, was refused by notice dated 15 May 2018.
 - The development proposed is described on the planning application form as 'Proposed Change of Use from C4 to 7bed Sui-Generis'.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use from C4 to 7bed Sui-Generis at 148 Birches Head Road, Stoke-on-Trent, ST1 6ND in accordance with the terms of the application, Ref: 62135, dated 16 January 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: Location Plan, 6676.01 Revision F, 6676.05 and 6676.20 Revision D.
 - 3) No use or occupation of the development hereby permitted shall begin until a scheme for the storage and disposal of refuse and recycling has been fully implemented in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The storage and disposal scheme shall thereafter be retained in the approved form.
 - 4) The property shall be limited to a maximum number of 7 bedrooms and each bedroom shall be used for single occupancy purposes only.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form the appellant confirms that the description of development has not changed, however a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original planning application.

3. A new National Planning Framework (2018) (the Framework) has been published since the development plan was adopted. In the light of this I have sought views from the main parties in writing on whether the revised Framework has relevance to the case.

Application for costs

4. An application for costs was made by Mr Brooks of Pegasus Development against Stoke-on-Trent City Council. This application is the subject of a separate decision.

Main Issues

5. The main issues are the effect of the proposed development on (a) the living conditions of neighbouring residents with particular regard to the potential for increased parking demand and (b) the character and appearance of the surrounding area.

Reasons

Background

6. The appeal property is a two storey end-of-terrace corner house in an established residential area. It is currently in use as a small house of multiple occupation (HMO) for up to 6 people. The proposal is to allow habitation of a seventh bedroom which has been constructed for single occupancy, thereby increasing the scale of the HMO.
7. The planning history of the site is acknowledged, specifically the single storey rear extension and change of use to a large HMO for 7 persons (Sui Generis) in 2017. It is noted that the application was amended to remove the proposed change of use and the single storey rear extension was subsequently granted planning permission.
8. The appellant states that the property is currently tenanted with 6 tenants. As such the fallback position is that the property would be likely to continue to operate as a 6 person HMO, if planning permission for habitation of a seventh bedroom was not granted. Therefore the effects of the proposal to be assessed are those of one additional person and the increase in scale of the HMO.

Living conditions

9. The proposal would increase the number of people living in the house by one, from six to seven, the number of which would be controlled by a planning condition. The evidence of the Council from their Selective Licensing scheme is that the immediate area does not have identified socio-economic issues in relation to private sector housing which need to be addressed. Considering these matters, the proposed development would not generate a significant increase in resident activity. As such, an increased level of disturbance to neighbouring residents would not occur.
10. The Council's concern about the effect of potentially increasing parking demand in an area where they describe existing parking problems as acute is noted. I acknowledge the Council's reference in its appeal statement to its Guidance on Parking Advice for Developers (2016) as the basis for requiring that 'sub-divided HMO's must provide one (parking) space per unit'. However this document has not been provided as part of the appeal documentation. As such,

I am unsure of its status and contents. In any case, considering the proposed increase is for one resident, who may or may not have a car, it is unlikely that the scale of the proposed development would significantly increase demand for kerbside parking.

11. For these reasons, I consider that material harm to the living conditions of neighbouring residents would not result from the proposed development. Thus it follows that the proposed development would accord with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, adopted 2009 (CS) and the Framework which when taken together seek, amongst other things, to ensure that development is of appropriate design.

Character and appearance

12. Whilst the Council states that overall the development would be contrary to Design Quality Policy CSP1 of the CS, it has not detailed which aspects of that policy the proposed development conflicts with. The Council also states that the proposals demonstrate that adequate provision can be made for bicycle and bin storage. No changes to the exterior design of building are proposed. As such no material harm would result in terms of the design quality of the building.
13. The Council cites adverse impact on the nature of the area as a reason for refusal. However, in terms of the effect on the housing mix, the proposal would not increase the number of HMOs or change the mix and balance between HMOs and non-HMO properties in the neighbourhood. Accordingly, the proposed development with an increase of one resident would not significantly harm the character and appearance of the area. It would consequently comply with the relevant requirements of Policy CSP1 of the CS and the Framework which when taken together seek, amongst other things, to ensure that development is of appropriate character.

Other Matters

14. I note neighbours' concern about the potential impact on the availability of family housing. However as this proposal relates to an existing HMO it would not in itself change the housing mix. Regarding the neighbour concern about capacity of Victorian drains, I have no substantive evidence in front of me that one additional person would have a significantly harmful impact on the drains.
15. Whilst I do not underestimate the importance of the above matters to those involved, there is no substantive evidence which would lead me to conclude the scheme should be resisted on these grounds.

Conditions

16. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case.
17. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition relating to refuse and recycling is necessary in the interests of the visual appearance. In addition, a condition regarding the number of residents is considered necessary in the interests of certainty and highway safety.

Conclusion

18. For the reasons above, I conclude that, subject to appropriate planning conditions, the appeal should be allowed.

William Cooper

INSPECTOR