



Appeal Decision

Site visit made on 18 June 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/M3455/W/19/3224955

Waggon and Horses, 691 Dividy Road, Bentilee, Stoke-on-Trent ST2 0AH

- 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 Wayne Maxted against the decision of Stoke-on-Trent Council.
 - The application Ref 63355, dated 29 November 2018, was refused by notice dated 22 January 2019.
 - The development proposed is change of use from public house (class A4) to 11 bedroom house of multiple occupancy (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from public house to 11 bedroom house of multiple occupancy at Waggon and Horses, 691 Dividy Road, Bentilee, Stoke-on-Trent, ST2 0AH, in accordance with the terms of the application, Ref 63355, dated 29 November 2018, and the plans submitted with it, subject to the conditions below:
 - 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 accordance with the following approved plans: 6239(P)000 Revision A, 6239(P)003 Revision E, 6239(P)004 Revision B, 6239(P)005, 6239(P)006 Revision A.
 - 3) The development hereby permitted shall not be occupied until the windows at ground floor window have been fitted in accordance with glazing specifications identified on drawing numbers 6239(P)004 Revision B and 6239(P)005, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.
 - 4) The facing materials to be used in the construction of the new works hereby permitted shall match those of the existing building.

Procedural Matter

2. The appeal site comprises a former public house which has been granted planning permission for change of use to a 10 bedroom house of multiple occupation, reference 62832/FUL. At the time of my site visit the conversion of the building appeared to have commenced.

Main Issue

3. The main issue is whether the appeal scheme would provide satisfactory living conditions for future occupants, with respect to outlook and privacy.

Reasons

4. The Waggon and Horses is a substantial building which fronts onto the A572, Dividy Road. Dividy Road appeared to be a busy road and was well-used by cars at the time of my site visit. The footpath, however, was not used and, although this is a snapshot in time, given the location of housing in the area and the availability of alternative pedestrianised routes in the area, the movement of pedestrians directly outside the appeal building is likely to be limited.
5. Bedrooms 2 and 11 and a kitchen and dining room would be located on the ground floor and would have windows which face towards Dividy Road. In addition to the windows fronting onto Dividy Road, bedroom 2 would have a window which would face towards the internal access road. The bottom section of windows facing towards Dividy Road would be obscure glazed and, since the windows are substantial, approximately two thirds of the windows would be clear glazed.
6. Paragraph R15 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD)(2010) states that buildings must be designed to provide reasonable levels of visual privacy to habitable rooms. Paragraph 117 of the National Planning Policy Framework (the 'Framework')(2019) states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
7. The use of obscure glazing to the bottom third of the windows would help ensure that future occupants of the rooms have reasonable levels of privacy, whilst clear glazing to the top two thirds of the windows would ensure that future occupants have a reasonable outlook. Thus, there would be no harm to living conditions for future occupants with respect to outlook and privacy, and no conflict with the SPD or the Framework.

Conditions

8. I have considered the conditions put forward by the Council and other parties against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others. In the interests of certainty and proper planning I have included conditions relating to commencement and plans.
9. Since I have included a plans condition, a plan restricting the number of bedrooms and a condition requiring the layout set out in drawing no 6239(P)003 to be completed prior to first occupation and retained in perpetuity is not reasonable or necessary. It is also unnecessary to restrict occupancy since this would be addressed by other legislation.
10. The appellant has provided details of ventilation and noise control on drawing number 6239(P)005 as part of the appeal. Since I have included a plans condition, it is unnecessary to include conditions to secure a noise assessment and details of fixed forced ventilation. I have also omitted the suggested condition to secure a Residential Travel Information Pack as I do not consider that it is reasonable requirement given the scale of the development.

Conclusion

11. For the reasons given above, and having regard to all matters raised, the appeal is allowed subject to the conditions set out above.

M Savage

INSPECTOR