



Appeal Decision

Site visit made on 16 September 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 8 October 2019

Appeal Ref: APP/X3405/W/19/3228451

21 Stafford Road, Cannock WS11 4AF

- 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 D Andrews against the decision of Cannock Chase District Council.
 - The application Ref CH/18/247, dated 1 June 2018, was refused by notice dated 5 December 2018.
 - The development proposed is site redevelopment to provide 25 room House of Multiple occupancy.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal was initially described in the terms set out in the heading, above. However, it is clear that during the course of the Council's consideration of the proposal it was clarified that the development sought to provide 24 rooms, not 25. It is also clear that that was the basis upon which the Council reached their decision and I shall therefore determine the appeal accordingly.
3. The appellant has submitted a signed, dated and completed unilateral undertaking made under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU would secure a financial contribution to mitigate the adverse impact of a net increase in dwellings on the Cannock Chase Special Area of Conservation (SAC). I shall return to this matter later.

Main Issues

4. The main issues are the effects of the proposed development on:
 - The character and appearance of the surrounding area; and
 - The fear of, and potential for, crime and anti-social behaviour arising from pressure for car parking in the surrounding area.

Reasons

Character and appearance

5. The appeal site lies at the corner of Stafford Road and Park Road. As a two storey building, despite the mixed nature of single storey and two storey elements at the side and rear of the building it is of a scale broadly comparable

to the domestic, and domestically scaled, buildings immediately adjoining the site.

6. I accept that there are more substantial, taller and bulkier buildings nearby, such as the two-and-a-half storey Kelvestone House on Park Road, the three and four storey South Staffordshire College buildings a short distance to the south on the opposite side of Park Road and the nearby Cannock Shopping Centre complex. The nearby 'Podge and Tin' building is also a substantial, if isolated, building that lies opposite the appeal site surrounded by the local road network on all sides. I also acknowledge that the appeal site, like those buildings identified above, lies within the defined town centre¹. However, these buildings all stand apart from the appeal site, physically and visually detached from it and set in different contextual settings.
7. Notwithstanding the site's inclusion within the defined town centre, the appeal site and the existing building are, in terms of their position and character, more akin to the modest scale and domestic character of the buildings that lie alongside. However, although it would not be inaccurate to describe the proposed building as being largely two-and-a-half, rather than three, storeys, to do so would understate its relative scale, bulk and massing, particularly given the extent of the proposal's footprint area and significant elements of three storey gable elevations.
8. The proposed House in Multiple Occupancy (HMO) would occupy all but a very small section of the existing building's built footprint, and would do so with a greater overall scale, bulk and massing. Furthermore, the three storey gable element of the proposal's south facing flank extension would be a considerable and incongruously bulky element within its immediate context and surroundings.
9. It may be that there are other taller buildings nearby, such as those some way distant on the opposite sides of the roundabout and across Park Road, but it is not those buildings that provide immediate context to the proposal. Instead, the two storey buildings immediately to the west and north of the site provide context. And in that sense, the proposal would be incongruous, and incongruously large.
10. Furthermore, despite the appellant's conviction that the context demands and supports a building of the scale, bulk and massing of that proposed, attempts to reflect the modest proportions of adjacent buildings would result in a compromised appearance with conflicting rooflines and proportions. This would be particularly evident at the front where the narrow two storey element adjacent to 23 Stafford Road would fail to respond to the roof form of No. 23, and at the rear where the awkward and competing lines of the recessed three storey element and the substantial rear gable would create an awkward and visually intrusive feature into the Park Road streetscene.
11. I agree that corner sites provide opportunities for strong design statements. However, they also require care in that they are exposed to multiple elevational views; in this instance from the front from Stafford Road, the gable and flank from Park Road and the rear in longer views along Park Road. The proposal provides interest on the flank and gable elevations with an articulated façade and dormer upper floor windows providing some relief.

¹ Map extract at paragraph 3.4, Appellant's Appeal Statement

12. However, extending almost the entire depth and width of the appeal site plot, the building's flank elevation would be an incongruous and dominant feature within the Park Road streetscene. Moreover, the position of such a dominant flank immediately at the back edge of the footpath would be an imposing and visually overpowering feature at a point where the pedestrian environment is constrained by the restricted width of the pavement and pedestrian crossing.
13. Thus, for the reasons I have set out, the proposal would fail to secure the high standard of design of buildings that policy CP3 of the Cannock Chase Local Plan (CCLP) seeks. CCLP policy CP3 identifies key requirements of high quality design, including the consideration of design imaginatively in its context to complement and enhance local character and appearance, and be well-related to existing buildings and their surroundings in terms of, amongst other factors, layout, scale and appearance. The proposal would fail to adequately demonstrate these key considerations and is thus in conflict with CCLP policy CP3.
14. The appeal site lies close to, but beyond, the defined Cannock Town Centre Conservation Area (CA). I am also advised that there is a grade II listed St Luke's church on Park Road. I have noted that officers concluded in their recommendation to the Council's Planning Control Committee that there would be no harm to the setting of the listed building the character or to the character or appearance of the nearby CA. There is no suggestion in the first refusal reason that the Council consider there to be harm, nor has the argument subsequently been made that the proposal would cause harm, be it less than significant or otherwise.
15. However, although I have concluded, for the reasons set out above, that the proposal would fail to secure the high quality design sought by CCLP policy CP3, I have not been presented with any further evidence to lead me to a different conclusion in respect of the applicable statutory test² regarding the listed building, or whether the proposal would affect the significance of the CA by development outside it. The absence of harm in these terms weighs moderately in support of the proposal, albeit that the harm to character and appearance that would result from the proposal's failure to demonstrate high quality design would not be outweighed by this moderately favourable support.

Car parking

16. Despite some apparent confusion on the Council's behalf, it is clear that the proposed scheme does not include provision for on-site car parking, whether for residents or cleaning staff. Other than a very small number of time-limited on-street spaces a short distance to the north of the site on the stub-end of Stafford Road, I saw that parking is heavily restricted on roads around the appeal site.
17. However, it is not the effect upon highway or pedestrian safety of the absence of on-site, and limited access to on-street, parking that concerns the Council. Rather, it is the potential for conflict to arise due to increased parking pressure arising from the proposal. The Council express this in terms of the potential effect of this on social cohesion and the potential for, and fear of, crime. But the Council have not provided any evidence to substantiate their position that the proposal's lack of on-site parking provision would lead to conflict, anti-

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

social behaviour or threaten social cohesion. I appreciate that the proposal may lead to increased parking pressures, but I have no reason to believe that that would manifest itself in the manner, or with the implications, that the Council suggest.

18. I have not been directed to any development plan policies that refer specifically to social cohesion, anti-social behaviour, potential for crime or the fear of crime, nor have the Council cited any in their second refusal reason. Paragraph 127(f) of the Framework does however recognise that in seeking to achieve well-designed places planning decisions should '*create safe, inclusive and accessible places.....and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience*'. For the reasons I have set out above, however, I am not persuaded that the proposal would result in harm in the manner set out by the Council or would fail in the terms set out by Framework paragraph 127(f).

Other Matters

19. CCLP policy CP13 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. It goes on to state that all development that leads to a net increase in dwellings in Cannock Chase District will be required to mitigate adverse effects.
20. In this instance, the appellant has submitted a UU to provide for a financial contribution as mitigation for the net increase in dwellings that would result from the proposal, should the appeal be successful. The Council have not challenged the approach or amount set out in the UU. However, as I minded to dismiss the appeal, it has not been necessary to consider this matter, or the provisions of the UU, further.
21. The efficient use of land is not just a matter of how many housing units can be accommodated within a particular site. As I have set out above, the proposal would cause harm to the character and appearance of the surrounding area for the reasons stated. The efficiency of the use of land in providing 24 rooms units within the proposed HMO carries only limited weight and falls significantly short of outweighing the harm to character and appearance that I have identified.
22. I was also able to view the appeal site from nearby properties at 23 and 25 Stafford Road. Notwithstanding my conclusions regarding the effects of the proposal in terms of impact upon character and appearance, these viewpoints afforded me the opportunity to consider the proposal's relationship with those properties in terms of the impact upon living conditions thereof. Although not cited as a reason for refusal by the Council, I have carefully considered the respective arguments put forward by the appellant and occupiers of those properties in this respect.
23. Having done so, I am satisfied that the proposal would not cause harm to the living conditions of occupiers of either property in terms of outlook, privacy or daylight and sunlight. I accept that the rear portion and elements of the flank and rear elevations would be visible from within the rear gardens of both properties, but this would not be sufficient in my view to cause material harm to the amenities of occupiers of those properties. The absence of harm in this respect is only a neutral factor to which I afford only limited weight.

Conclusion

24. For the reasons I have set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR