



Appeal Decision

Site visit made on 9 December 2020

by Alison Partington BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2020

Appeal Ref: APP/P4605/W/20/3260091

854 Stratford Road, Springfield, BIRMINGHAM, B11 4BS

- 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 Laser Pharmacy against the decision of Birmingham City Council.
 - The application Ref 2020/01495/PA, dated 21 November 2019, was refused by notice dated 4 May 2020.
 - The development proposed is the demolition of outbuildings, erection of single storey rear extension to the existing pharmacy, installation of external staircase to rear and conversion of existing flat on first and second floor to 3no. self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of outbuildings, erection of single storey rear extension to the existing pharmacy, installation of external staircase to rear and conversion of existing flat on first and second floor to 3no. self-contained flats at 854 Stratford Road, Springfield, Birmingham, B11 4BS in accordance with the terms of the application, Ref 2020/01495/PA, dated 21 November 2019, subject to the conditions set out in Annex A.

Main Issue

2. The main issue in the appeal is whether or not the proposal would provide adequate living conditions for future occupiers with particular regard to light and internal and external space.

Reasons

3. The appeal property is a 3 storey end of terrace building that is a pharmacy on the ground floor and has vacant residential accommodation on the upper floors. It is located in a busy neighbourhood centre and many of the other commercial properties similarly appeared to have residential units on the upper floors. The residential accommodation is accessed via an external staircase at the rear.
4. It is proposed to demolish the current outbuildings to the rear of the premises and replace them with a single storey extension which would provide additional space for the shop. The Council has raised no objection to this element of the proposal and nothing I have seen or read leads me to a different conclusion.
5. On the upper floors it is proposed to replace the existing flat which occupies both floors, with 2 studio flats on the first floor and a 1 bedroomed flat on the second floor. These would be accessed by a new external staircase and a walkway over the proposed ground floor extension.

6. The Council's concerns relate to the two studio flats on the first floor. As is the case with studio flats these would each be provided with a combined living/sleeping room which would have a kitchen area towards the rear as well as a separate shower room. Whilst studio flats may not be the type of accommodation everyone would seek, they are a valid form of accommodation that meet the needs of some people. Whilst compact, the amount of accommodation provided in each flat is greater than the minimum standards set out in the nationally described space standard.
7. Due to its location on a bend in the road the southern wall of the building is angled and this is reflected in the living / kitchen area for flat 1. However, the shape of the room is not so irregular that it would prevent a satisfactory arrangement of furniture and circulation space. Moreover, this makes this room slightly larger than the similar room in the other flat and each living area would have sufficient space to accommodate a bed, storage, seating and eating areas.
8. Each first floor flat would have a bay window that would serve the living space. I observed that these windows provided adequate levels of light to the current rooms that are the same size as the main part of the living space for each studio. As a result, and given that each kitchen area would also have a rooflight, I am satisfied that both studio flats would be provided with adequate levels of natural light.
9. As is the case with the existing flat, the units would not be provided with any external space. This is not uncommon for residential accommodation above shops, and I observed this to be the case for many of the other flats located above other shops in the area.
10. Whilst the proposal would create 3 separate units of accommodation rather than the 1 that currently exists, the number of people who could potentially live in the accommodation would not change significantly. Moreover, extant permission¹ exists for the upper floors to be converted into 2 flats without the provision of any external space. I am not persuaded that the creation of 2 studio flats rather than a 1- bedroomed flat on the first floor is so significant a change that it now requires external space to be provided.
11. I note the standards set out in Appendix A of the *Places for Living Supplementary Planning Guidance (adopted March 2001)*. Nevertheless, in the light of the above, and given the context that other similar flats have no outdoor space, I consider it would be unreasonable to require the provision of private outdoor space for this proposal. Moreover, Policy 8.27 of the *Birmingham Unitary Development Plan 2005 (alterations adopted October 2005)* (UDP) which deals specifically with flat conversions does not have any specific requirements for outdoor space to be provided. Whilst paragraph 129 of the *National Design Guide* says amenity space should be high quality, convenient and function well, it does not indicate that it is essential for good design that outdoor space is provided in every residential scheme.
12. All in all, I consider that future occupiers would be provided with adequate living conditions having particular regard to light and internal and external space. Therefore, there would be no conflict with Policies PG3, TP27 and TP30 of the *Birmingham Development Plan 2031 (adopted January 2017)* or Policies

¹ Application Reference 2018/05700/PA

3.14C and 8.27 of the UDP which require a high quality of design and the delivery of a range of housing types, that developments should have regard to guidance in Supplementary Planning Guidance and that schemes for flat conversions should create units of a satisfactory size and layout. There would also be no conflict with the *National Planning Policy Framework* which requires development to provide a high standard of amenity for existing and future users.

Other Matters

13. The host property and the terrace of which it is a part is locally listed. The proposal would make no alterations to the front of the building. As such, I agree with the Council that the appeal scheme would have no impact on the significance of this heritage asset.
14. The external staircase to the proposed flats would be located in the rear service yard which also serves other properties in the terrace. The entrance to this is between the host property and No 852. The initial part of this, between the two buildings, is not wide enough for a vehicle to pass a pedestrian. However, the proposal would not result in significant increase in the number of vehicles or pedestrians using this. Moreover, there is good visibility in both directions and vehicles utilising it would be travelling at slow speeds. Thus, I am satisfied that a safe and suitable access would be provided for the proposal.
15. In addition, whilst the new staircase would slightly reduce the size of the service yard, it appeared to me that there would still be sufficient space for vehicles to be able to turn so that they can enter and leave in forward gear.

Conclusion and Conditions

16. For the reasons set out above, I conclude the appeal should be allowed.
17. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the development. In order to ensure adequate provision is made for cycle parking, and the storage of refuse, conditions are required to ensure the details of these are provided and the scheme implemented before the flats are occupied.
18. To ensure satisfactory living conditions for existing and future occupiers, a condition to control the noise from any plant and machinery is necessary. In addition, to ensure adequate living conditions for future occupiers, conditions are necessary to secure noise insulation for the flats and to ensure the obscure glazing of the bathroom windows. As the scheme for noise insulation relates to work that needs to be carried out during the construction period this needs to be a pre-commencement condition. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to this pre-commencement condition.
19. In the interests of conciseness and enforceability, the wording of some of the Council's suggested conditions has been amended.

Alison Partington

INSPECTOR

Annex A

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Site Plan Drawing 01; Proposed Site Plan Drawing 02; Ground Floor Existing and Proposed Drawing 03; First Floor Existing and Proposed Drawing 04; Second Floor Existing and Proposed Drawing 05; Existing Elevation Drawing 06; and Proposed Elevations Drawing 07.
3. The materials to be used in the external surfaces of the development hereby permitted shall match those in the existing building.
4. The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142(2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
5. No development shall take place until a scheme of noise insulation between the commercial and residential premises has been submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of any of the flats hereby permitted and thereafter maintained as such.
6. Details of the provision for the refuse/bin and the secure, and where appropriate, covered storage for cycles and motorcycles shall be submitted to, and approved in writing by, the local planning authority prior to first occupation of any of the flats hereby permitted. The approved space / facilities shall be implemented in accordance with the approved details prior to the first occupation of any of the flats hereby permitted and shall thereafter be kept available for these purposes.
7. Prior to the first occupation of the first floor flats hereby permitted, the bathroom windows in the rear elevation for both flats shall be fitted with obscure glazing. Details of the type of obscure glazing shall be submitted to, and approved in writing, by the local planning authority before either window is installed and once installed the obscure glazing shall be retained thereafter.