



Appeal Decision

Site Visit made on 3 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/H0738/W/21/3272910

56 Roseberry View, Thornaby TS17 7HS

- 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 Safraz Hussain of HMS Estates against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 21/0186/RET, dated 22 January 2021, was refused by notice dated 7 April 2021.
 - The development is described as 'Conversion of a Single Terraced House to 2 No Self Contained Flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council states that the proposal is part-retrospective although I have not been provided with specific details of the extent of this. For the avoidance of any doubt, I have determined the appeal on the basis of the plans before me.

Main Issues

3. The main issues are the effect of the proposed development on the residential character of the area and whether the proposed development would provide acceptable living conditions for future occupants.

Reasons

Residential Character

4. The appeal property is a mid-terraced dwelling in a row of modest sized terraced dwellings that front onto the pavement. To the rear I saw that each dwelling had a small two storey rear outrigger attached to that of the adjoining property. The outriggers extend into small yard areas which tend to have gated access onto the back lane that runs parallel with the street frontage. The back lane is fitted with lockable security gates to both ends. The Council contends that the area is made up of predominantly family housing. On the site visit I saw no evidence that would lead me to doubt this assertion and my impression was of a residential street within an area with a predominantly residential character.
5. There are no proposed external changes to the front elevation as part of the appeal scheme, with the two one-bedroom flats being formed from the ground and first floors of the building. Alterations to the rear are limited to the repositioning and blocking up of doors and windows. These alterations to the

- exterior of the building are unlikely in themselves to have a harmful effect on the character of the area.
6. Whilst the appellant has provided evidence of two planning approvals for conversion to flats along this street, the Council's Housing Officer argues that there is a concentration of this accommodation model in the area in general and that this translates to a transient population and has a destabilising impact on the local community. The Officer also notes that the area exhibits a high proportion of private rented accommodation.
 7. The appellant states that there is a high demand for one bedroom flats, which is possibly based on their prevalence in the wider area. Nonetheless, taking into account the above evidence, it is clear that the wider character of the area as a residential area of predominantly family homes is already under threat and, in my view, the increased intensity of use of the building is likely to adversely affect the residential character of the street.
 8. Moreover, the Police Architectural Liaison Officer advises that there have been some problems with crime and anti-social behaviour in the area and has provided figures with regard to reported burglaries and incidences of anti-social behaviour. The Police say that the conversion of the dwelling to one-bedroom flats may lead to an increase in these problems at this location.
 9. I accept that anti-social behaviour and crime in the area may not all be attributable to flats and that such issues are not uncommon in urban areas generally. Nevertheless, I consider it likely that such factors can correlate with unduly high proportions of flats and HMOs in an area such as this with high levels of rental properties and consequently lower levels of owner occupation. Unlike more settled owner occupiers, the more transient nature of the occupants of such properties mean that they have less vested interest in the community to the detriment of the residential character of the area.
 10. I have considered the Council's argument that the current proposal would set a precedent for similar developments in this street. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concern that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the similarity of the individual houses along the street and the likelihood of such applications coming forward. Indeed, in this appeal, the appellant has argued in favour of their proposal on the basis of the perceived precedent set by previous approvals at 19 and 42 Roseberry View. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would exacerbate the harm to the residential character of the area which I have described above.
 11. For the above reasons the proposal would be harmful to the residential character of the area and would conflict with Policy SD8 of the Stockton-on-Tees Local Plan (2019) (the Local Plan) which seeks to ensure new development is designed to the highest possible standard taking into consideration the context of the surrounding area and the desire to reduce crime. The proposal would also conflict with the provisions of paragraphs 130 and 134 of the National Planning Policy Framework (the Framework) which seeks to ensure high quality design that is sympathetic to local character whilst

ensuring that crime and disorder, and the fear of crime, does not undermine quality of life or community cohesion.

Living Conditions

12. Both flats that are proposed are very small and are at the limits of the minimum Nationally Prescribed Space Standards for single person dwellings referred to by the Council, with floor areas of 37 and 38 square metres. Nevertheless, both bedrooms are large enough to accommodate a double bed, and it is therefore possible for both units to be occupied by a couple, in which case the space standard would not be met. With regard to outside space, it is proposed that the rear yard would become shared between the two flats, although only Flat 1 on the ground floor would have direct access to it.
13. Future occupants of Flat 2 would be required to exit their dwelling and walk along the road frontage to the back lane, before accessing the yard through a gate from the back lane. In my view, this is not a convenient means of accessing the yard by future occupants of Flat 2 and as a consequence they would be unlikely to use the outside space on a regular basis. The potential intervisibility between the yard and the bedroom and kitchen windows of Flat 1 is also likely to limit the appeal of the yard area to future occupants of Flat 2.
14. The High Density Flats and Development SPG (the SPG) guides that shared amenity space provided for the exclusive use of residents of flatted development may be acceptable provided its location, size, shape and aspect enable it to be enjoyed by occupants. It also notes that it should be accessible from each dwelling and be landscaped and well maintained. I have found that the location and accessibility of the yard with regard to Flat 2 would not be convenient and would be likely to prevent future occupants of that flat making use of it. As such the proposal would conflict with the SPG in this regard.
15. It is proposed to store bins in the rear yard serving both flats. This would be a considerable distance for future occupants of Flat 2 to walk in order to take out refuse and recycling. This is likely to severely inconvenience future occupants and could lead to refuse being stored longer in the flats to the detriment of the health and living conditions of the occupants due to smell, or lead to a build-up of refuse in the street. Whilst the appellant states that both flats will have dedicated recycling storage containers, given the small scale of the flat, suitable storage space for recycling and other refuse is likely to be highly limited and such storage would be likely to further reduce the availability of space.
16. I note that the SPG advises that secure, covered refuse storage, with ease of access for residents and collection agents is essential, and all developments of flats are expected to incorporate separate storage facilities for glass, plastics, paper and cardboard, metals and general waste. Given that the proposed refuse storage would not be easily accessed from Flat 2, this reinforces my above conclusion.
17. Whilst the appellant has referred to previous approvals with similar or worse levels of amenity space provision, I have not been provided with the precise details of these or the circumstances that led to them being approved and therefore I cannot be sure that they represent a direct parallel with the appeal scheme. Nonetheless I have assessed the appeal on its own merits.

18. Accordingly, I conclude that the proposal would fail to provide adequate living conditions for future occupants of the proposed flats. The proposal would be contrary to saved Policy SD8 of the Local Plan and the SPG which seek to preserve living conditions of existing and future occupiers and the provision of appropriately sited refuse storage. The proposal would also conflict with paragraph 130 of the Framework which, in summary and amongst other things, seeks to provide high standards of design for existing and future occupants with regard to living conditions

Conclusion

19. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR