

Appeal Decision

Site Visit made on 21 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/C4235/W/21/3276875

427 Wellington Road North, Heaton Chapel, Stockport SK4 5BA

- 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 M Bakar against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/079510, dated 25 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is described as 'rear shop to convert to studio flat'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided revised drawings which show an alternative internal layout and include access to the studio flat from the front of the building. During my site visit, I saw that the front of the property is already served by two entrance doors including that proposed to provide access to the studio flat. Furthermore, the revised internal configuration does not change the cumulative area of the proposed main habitable areas and the size of the external space is as previously proposed. The position of windows and doors on the external elevations of the proposed studio flat are also similar to those considered by the Council at the time of its decision. On this basis, I am satisfied that no party would be prejudiced in this instance by me considering the appeal on the basis of the revised plans.
3. A Flood Risk Assessment (FRA) has been submitted with the appeal. The Council contends that the FRA was not provided with the planning application and has not been assessed by the Environment Agency or the Lead Local Flood Authority. Even so, the Council has had an opportunity to comment on the FRA as part of its statement of case. I have therefore considered the FRA as part of my assessment.

Main Issues

4. The main issues are:
 - (i) Whether the proposal would provide suitable living conditions for future occupants with particular regard to the quality of the internal and external living environment;
 - (ii) The effect of the proposal on the living conditions of neighbouring occupiers; and
 - (iii) Whether the proposal would be acceptable in terms of flood risk.

Reasons

Living conditions for future occupiers

5. The appeal site relates to a mixed-use two-storey parade predominantly consisting of commercial uses at ground floor and residential uses above. The studio flat would be located within an existing single storey rear projection which sits close to the boundaries with Nos 425 and 429 Wellington Road North and their respective external areas. The evidence before me indicates that the space to the rear of No 429 is used for external storage for a hardware store. During my site visit I saw that the space to the rear of No 425 is primarily used for the parking of vehicles. A shared access track serving the appeal site and the neighbouring properties adjoins the rear boundary of the site.
6. Given the variety of uses in the wider parade, the external areas and the access track to the rear of the building are likely to be well used, particularly during the day when the commercial uses are operating. Due to the ground floor position of the studio flat and its close proximity to the boundaries of the site, external activity within these areas would be likely to be highly perceptible from within the main habitable rooms serving the studio flat, including from the bedroom. In addition, the only windows serving the studio flat would face and sit in close proximity to the boundary fence serving No 425, thereby offering a poor means of outlook. Taken together, these factors would be likely to severely compromise the quality of the internal living environment.
7. The Stockport Metropolitan Borough Council 'The Design of Residential Development Supplementary Planning Document' (2007) (SPD) states amongst other things that whatever the size or location of a dwelling there will always be a requirement for some form of private amenity space and that this should be usable, accessible, reasonably free from overlooking, allow for adequate daylight and sunlight, and have regard to the size of the dwelling and the character of the area.
8. The appellant has confirmed that the external space is a shared space and has an area of 37.1 metres squared. It is therefore below the minimum requirement under Saved UDP policy CDH1.5 (Flat Conversions) of the Stockport Unitary Development Plan Review (2006). The external space consists of a narrow hard surfaced yard which only widens close to the rear boundary where it backs on to the shared private access drive. Views into the rear yard are also possible from the shared rear access through the existing palisade fence. Given the absence of any other private space serving this property, the existing commercial and residential uses at No 427 are also likely to require access to the yard for example to access bin or cycle storage. All these factors are likely to be detrimental to the quality, usability and enjoyment of the space for occupiers of the studio flat. Overall, these factors persuade me that suitable private amenity space would not be provided.
9. Overall, I conclude that the development would not provide suitable living conditions for future occupants. In that particular regard, the development would conflict with the amenity requirements in Policies H-1 (Design of Residential Development) and SIE1 (Quality Places) of the Stockport Metropolitan Borough Council Core Strategy DPD (2011) (CS) and the Council's SPD. It would also conflict with Paragraph 130 of the National Planning Policy Framework (the Framework) which amongst other things requires that

developments create places with a high standard of amenity for existing and future users.

Living conditions for neighbouring occupiers

10. The evidence before me indicates that neighbouring residential uses within the same parade on Wellington Road North are located above ground floor level. The shared access track which adjoins the rear boundary of the appeal site provides a gap between the site and the boundary of the dwelling at No 2 Crossley Road. These neighbouring residential properties also have frontages to the road and therefore established relationships with the well-trafficked environment on their respective roads. Consequently, I consider it unlikely that additional activity associated with a single bedroomed studio flat, including that associated with additional comings and goings, would be highly perceptible for occupiers of these neighbouring properties.
11. I conclude, the development would have an acceptable relationship with the living conditions of neighbouring occupiers. In that particular regard it would comply with the amenity requirements in Policies H-1 (Design of Residential Development) and SIE1 (Quality Places) of the Stockport Metropolitan Borough Council Core Strategy DPD (2011) (CS) and the Framework.

Flood Risk

12. Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
13. The site is located on the boundary of flood zones 2 and 3 and therefore at a medium to high probability of flooding. The use of the ground floor would be changing from a 'less vulnerable' use to a 'more vulnerable' use having regard to the definitions under 'Annex 3: Flood risk vulnerability classification' in the Framework. Footnote 55 of the Framework confirms that a site-specific FRA is required in such circumstances. The Planning Practice Guidance (PPG) explains what a FRA should establish including amongst other things the risks of flooding from all sources, the potential to increase flooding elsewhere and measures to deal with these effects and risks.
14. The FRA provided does not consider all sources of flooding, only focusing on flood risk relating to surface water flooding. However, 'Figure 4 – Flood Zone Map' which accompanies the FRA indicates that there is a 'Main River' in close to the north and in close proximity to the site. All the accommodation would be at ground floor level. Without any substantive evidence to demonstrate otherwise, I cannot be certain that the development would not be susceptible to other sources of flooding including fluvial flooding and if this is the case whether measures could be incorporated into the development to mitigate flood risk.
15. I conclude that it has not been satisfactorily demonstrated that the proposal would be acceptable in respect of flood risk. In that regard, the development would be contrary to the requirements to manage flood risk in saved Policy EP1.7 (Development and Flood Risk) of the Stockport Unitary Development

Plan Review (2006), Policy SIE-3 (Protecting, Safeguarding and Enhancing the Environment) of the CS and the Framework.

Other Matters

16. Even if I had assessed the scheme on the basis of the drawings before the Council at the time of its decision, given they are substantively the same, this would not have altered my conclusions on the main issues.
17. With regards to any additional demand for parking arising from the development, I am not convinced this particular matter would result in poor living conditions given the level of accommodation that would be provided and its location close to public transport, services and facilities. Furthermore, the Council has referred to Saved policy CDH1.5 (Flat Conversions) of the UDP in respect of this matter. The explanation under this policy confirms that the accommodation of additional parking requirements is principally concerned with ensuring there is no disruption to the safe movement of traffic. The Local Highway Authority has raised no such concerns. Therefore, this particular matter does not alter my overall conclusions under the first two main issues.
18. My attention has been drawn to other changes of use of buildings to residential uses elsewhere within the Borough. I am not aware of the precise details of these applications or the material considerations in each instance. However, it is unlikely that any were identical to the site-specific context of the appeal proposal. I have therefore assessed the proposal on its own merits.

Planning Balance and Conclusion

19. The Council acknowledges that it cannot currently demonstrate a five-year housing land supply. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
20. The development would make a modest contribution towards the Council's housing requirements through the provision of a single dwelling in a highly accessible location with a range of services and facilities close by. It also has the potential to have some modest economic benefits through the conversion works and the expenditure in the area by future occupants.
21. However, the proposal would not provide suitable living conditions for future occupants. Furthermore, it has not been demonstrated that the proposal would be flood resilient. In these regards the development would conflict with the development plan and national policy. These are matters which significantly and demonstrably outweigh the modest benefits of the proposal when assessed against the policies of the Framework as a whole.
22. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR