



Appeal Decision

Site Visit made on 16 November 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/M3455/W/21/3278762

25 and 27 Ladywell Road, Stoke-on-Trent ST6 5DE

- 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 S Threadgold against the decision of Stoke-on-Trent City Council.
 - The application Ref 66044, dated 20 November 2020, was refused by notice dated 10 May 2021.
 - The development proposed is conversion to 3 self-contained dwellings and associated alterations.
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Decision

1. The appeal is dismissed insofar as it relates to 27 Ladywell Road. The appeal is allowed in relation to 25 Ladywell Road and planning permission is granted for the change of use of 25 Ladywell Road, Stoke-on-Trent ST6 5DE to a dwelling in accordance with the terms of planning application Ref 66044, dated 20 November 2020, subject to the following conditions:
 - 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: Location Plan 1:1250 Rev B and JPK/20/4554/2 Rev C.
 - 3) Prior to first occupation of the dwelling, precise details of the render (finish and colour) and all new windows and external doors shall first be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out only in accordance with the approved details.
 - 4) Prior to the first occupation of the development hereby approved, the external alterations and improvements proposed to all elevations of 25 Ladywell Road, and shown on drawing Ref JPK/20/4554/2 Rev C, shall be fully completed.

Preliminary Matters

2. Following the determination of the application by the Council, the appellant has submitted an amended plan which shows an alternative first floor opening to the rear of No27. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. Having regard therefore to the Wheatcroft Principles, the nature of the revision proposed, and in the interests of fairness, I have therefore determined the appeal on the basis

of the plans that were before the Council when it made its decision and on which all parties were consulted.

Main Issue

3. The main issue is whether the proposed development would provide a suitable standard of living condition for prospective occupiers of the development.

Reasons

4. The site consists of adjoining 2-storey former terraced dwellings located in an area of mixed commercial and residential development close to the town centre area. According to the main parties, the buildings were last used as commercial premises but have been vacant for some time. The buildings are set directly to the back of the pavement on Ladywell Road and are enclosed to the rear by high walls backing on to a rear alleyway. The rear access serves other terraced units fronting Harewood Street.
5. 25 Ladywell Road is flanked by an open car park. 27 Ladywell Road adjoins a small tyre and exhaust garage. A mosque lies beyond at the corner of Ladywell Road and Harewood Street.
6. The scheme seeks the change of use of No25 to a 2-bedroom dwelling and the change of use and subdivision of No27 to 2 flats. This would consist of a 1-bed ground floor flat and a separate 1 bed flat utilising the existing first floor and roof spaces. The proposals include the re-roofing of an existing single storey rear extension to No27 and the removal of a covered area between that and the site's rear boundary to provide an external amenity area. New windows and doors would be replaced on the front and rear elevations of both properties and an additional rooflight added to the front roof slope of No27.

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7. The conversion of No27 would rely on use of its roof-space to provide a bedroom area and shower room for the proposed upper unit. Although the Council acknowledge that the Technical Housing Standards – nationally described space standard (2015) (THS) have not been adopted through reference in the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 [2009] (CS), it has referred to them as a means of assessing the sizes of the proposed individual units of accommodation.
8. As standards that have not been locally adopted, the THS are a matter of only limited weight in the context of this appeal. Nevertheless, they provide an established benchmark to enable comparison between the described forms of residential accommodation.
9. In relation to the proposed upper flat, there is dispute between the main parties as to the extent of usable floorspace on account of the limited headroom in parts of the roof space. Having visited the site, the reduced height areas would impose some limitation on layout options and circulation space, particularly in the bedroom. Nevertheless, there would be a reasonable amount of full height space and, augmented with the more height-limited areas, would offer sufficient bedroom space in the particular circumstances of the case.
10. However, the bedroom would only have limited areas of glazing. Whilst the 2 rooflights serving the bedroom would provide adequate levels of daylight, their

height above a main roof purlin would prevent horizontal or downward views for most. Outlook would be severely restricted and be substantially limited to sky views only. The consequential inward-looking accommodation would not achieve a high standard of living conditions.

11. The appellant indicates that the rooflights could be relocated to provide an outward view. However, having visited the site, it is unclear how this would be achieved due to the position and significant depth of the purlin. Without its removal, the purlin would obscure outlook or limit the position of alternative openings to an awkwardly low position. As there is insufficient information to demonstrate how an alternative outlook might be achieved, it would not be reasonable to impose a condition requiring it as this could nullify the benefit of the permission. Accordingly, I find that a suitable outlook from that part of the proposed accommodation has not been demonstrated.
12. According to the appellant, the upper unit would have no direct access to the amenity space to the rear of No27. Whilst I recognise the south-facing Juliette balcony is designed to provide a sense of spaciousness and the site is in close proximity to an area of public open space, there would be no usable private outdoor amenity space in association with the upper flat. Furthermore, a proposed bin storage area would require access from adjacent third-party land or via the rear alleyway from Lascelles Street. In practice, the route would be convoluted and inconvenient. Together these aspects of the proposal would deliver a poor standard of accommodation.
13. There is no dispute that the ground floor flat of No27 would provide adequate living space as a single level unit. However, it would lie adjacent to the tyre and exhaust garage. According to the Council, the use of that site is unrestricted in terms of its times of opening or to potential changes of use within Class B2 of the Town and Country Planning (Use Classes) Order 1987. This could give rise to unneighbourly activities including noisy goings-on at unsociable hours.
14. At my site visit I saw that the commercial operation is restricted by the relatively small scale of the building. The constrained access facing residential properties opposite, and the limited amount of operational space, mean that activity associated with the use is unlikely to be intensive. However, that is not to say that noisy activity would not occur.
15. I have little doubt that noise sources from the use of machinery to change tyres, balance wheels, or those associated with other general vehicle maintenance operations, do arise from the garage. In support of the planning application the appellant provided a noise assessment of the neighbouring business. This concludes that, subject to a recommendation to use mechanical ventilation in the proposed development, existing sources of noise would not cause harm to the living conditions of prospective occupiers.
16. As the nature of the established existing business is one that is unlikely to see significant changes to its mode of operation, particularly in terms of late night working, there is little to suggest the uses could not compatibly coexist. The introduction of new residential development in an area where residential properties currently exist should not result in an unreasonable restriction upon the existing business.

17. I acknowledge that alternative uses could take place, however, the introduction of a new use would be the 'agent of change' and therefore susceptible to regulations which seek to protect amenity in an established mixed-use area. On the basis of the evidence before me, and having regard to the circumstances on the ground, I find that the effects of the garage on living conditions of prospective occupiers would be negligible.
18. The lower flat would benefit from a small outside space enclosed by high boundary walls. Although the close proximity of the walls would dominate the rear outlook and feel contained by neighbouring higher development, this would not be dissimilar to the nearby terrace fronting Harewood Street. It could also be improved through landscaping.
19. For the above reasons, I find that the lack of outlook from the roofspace bedroom of No27 and poor accessibility to private amenity space would give rise to a poor standard of living conditions for occupiers of that unit. It would conflict with Policy CSP1 of the CS, the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance DPD (2010), the National Planning Policy Framework and the National Design Guide as, amongst other things, they seek to secure homes which contribute positively to healthy lifestyles.

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20. The proposed dwelling at No25 would largely reflect the original layout of the building as a 2 up-2 down arrangement. However, a first-floor bathroom would eat into some of the bedroom space to provide a reduced floorspace in the bedroom located at the front of the building.
21. According to the appellant, the total internal space would amount to some 54m² of floorspace. The accommodation would be some 12m² below the minimum gross internal floor area standard set out in the THS for a 3-person dwelling set over 2 floors. However, notwithstanding the formation of the bathroom, the bedroom sizes would be similar to the THS requirements. The ground floor accommodation would deliver a simple layout with similar main room sizes to nearby residential terraces and a reasonable amount of outdoor amenity space would be provided.
22. The proposal would include large window openings such that each habitable room would benefit from high levels of natural light and an outlook. Although the rearward views would be largely dominated by the high masonry walls of the site's rear boundaries and an industrial shed beyond, ample sky views would be afforded. This arrangement would not be uncommon for high density forms of housing close to a centre.
23. The provision of a Juliette balcony at first floor level on the adjoining building would facilitate some overlooking of the amenity space. However, in the context of terraced housing where similar levels of overlooking would arise from rear windows, any effect on privacy would not be material to the living conditions of neighbouring occupiers.
24. For the above reasons, I find that the reinstatement of the building's original use would provide a reasonable standard of living conditions for occupiers of the building. It would align with Policy CSP1 of the CS, the National Planning Policy Framework and the National Design Guide as, amongst other things,

they seek to secure homes which contribute positively to healthy lifestyles and secure high living standards.

Other Matters

25. There is no dispute that the proposal for housing in a mixed-use area close to services and facilities would be an acceptable use of the site in principle. The location close to shops, services and transport options would be sustainable and could be occupied on a car-free basis. Furthermore, the development would contribute to the city's housing need and regenerate buildings which are unlikely to be attractive for alternative commercial purposes.
26. However, those benefits are not necessarily dependent on the detail of the scheme before me. They do not outweigh the harm identified to the living conditions of prospective occupiers of the proposed upper flat in No27.
27. I acknowledge the absence of objections from third parties; however, this is not a benefit in favour of the development.

Conditions

28. The Council have suggested several conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity. I do not consider there is a clear justification for restricting the internal layout of the building or an imposition on occupancy of No25 as a single dwelling in the circumstances of the case.
29. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions requiring the detail and completion of external works are necessary and reasonable to provide adequate lighting within the building and a high-quality appearance of the completed development.

Conclusion

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30. Whilst I have found in favour of the appellant in relation to the amount of space provided within the individual units and the suitability of the location with regard to an adjoining tyre and exhaust garage, these matters do not outweigh the harm I have identified to the living conditions of prospective occupiers through poor outlook from the bedroom of the proposed upper flat and poor accessibility to outdoor amenity space. The development would be contrary to the adopted development plan and there are no material considerations indicating a decision otherwise than in accordance with it. For those reasons, I conclude that the appeal as it relates to 27 Ladywell Road should be dismissed.

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31. For the above reasons, the appeal should succeed in relation to 25 Ladywell Road.

R Hitchcock

INSPECTOR