
Appeal Decision

Site visit made on 29 March 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/B3410/W/21/3285069

2 Bell Lane, Barton Under Needwood DE13 8AE

- 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 Nick Burton against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/01494, dated 29 November 2019, was refused by notice dated 18 August 2021.
 - The development proposed is change of use and conversion of existing workshop(s) into 2no residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide suitable living conditions for potential future occupiers of the dwellings with regards to external amenity space.

Reasons

3. The appeal site includes a collection of adjoining outbuildings which were formerly occupied by commercial businesses but are evidently vacant at present. Vehicular access is taken from Bell Lane and runs past the appeal buildings under a link roof and towards a parking area serving a separate apartment block at Byrkley Mews. The proposal seeks to convert the appeal buildings into two separate dwellings, both of which would include external amenity spaces to their fronts and allocated parking adjacent.
4. The Separation Distances and Amenity Supplementary Planning Document (the SPD) advises 50 square metres (m²) of private rear garden space for a two-bed house and 10m² of communal space for apartments and flats should be provided in residential development.
5. Each proposed dwelling incorporates a rectangular area to the front with a low brick wall. Although there is no indication of the size of the garden areas proposed, it is not disputed that the proposed amenity space would fall significantly short of this requirement for a two-bed house, while the space would be to the front rather than the rear. Regardless of whether it would involve the conversion of existing buildings, the proposal would fall significantly short of this space requirement. While it is claimed the external area would be

comparable to the space required for a flat/apartment, from the floor plans and design of the proposal it would not be a flat or apartment and as such, should provide for more space than that proposed.

6. The SPD advises private garden spaces are an essential component of high-quality design, and a key to the creation of a sustainable residential environment, in terms of contributing to liveability, recreation and health among other things. It goes on to state that garden spaces should be sufficient to accommodate most household activities and at the same time be adequate to offer visual delight, receive some sunshine, and encourage plant growth.
7. The external amenity areas would be severely constrained in terms of size relative to the scale of the dwellings, and they would not provide an occupier the space required for general household activities, such as drying clothes, alongside sufficient amenity space, among other things. This would be compounded by the location of the garden areas to the front, which would offer little privacy from occupiers of the adjacent properties and passers-by. Despite the appellant being amenable to a condition to agree boundary treatments to increase privacy, this would likely have the knock-on effect of reducing sunlight to the external space. This would serve to further highlight the shortcomings of the terraced area and its useability.
8. I am presented with a map of nearby footpaths and walking routes in the area. However, while they no doubt provide a pleasant environment for residents of the village, they are not a substitute for private amenity space.
9. Moreover, there would be further disruption for residents from passing vehicles using the car park of Byrkley Mews. Although I am informed there are only 8 spaces, over the course of an average day this could equate to a significant number of vehicular movements which would create noise and disturbance, despite Bell Lane being a dead end. The proposed parking arrangements for the appeal scheme would also involve noise from car engines as residents moved into the spaces. This would likely involve several turns and manoeuvres due to the constrained nature of the paved area and the positions of the parking spaces.
10. My attention is drawn to an approved planning application¹ in Tutbury which included the conversion of a shop into a flat that included no external amenity space. However, the officer report provided indicates that there was some communal space available for residents, while there was also a raised area to the front of the retail space which could also be used. I do not have details of these amenity spaces, although on that occasion the conversion was deemed acceptable and assessed on its own merits, as I have done when assessing the appeal scheme. Although I am informed of other properties in the same village as the appeal site that also have no amenity space, those would be existing arrangements and are not directly comparable to the proposal before me, which I have assessed based on the development plan and material considerations.
11. My attention is also drawn to table 1.2 from the East Staffordshire Local Plan (LP) (2012 - 2031) which advises that by 2031, it is projected that 61% increase in single and couple households over the age of 65 and a 15% rise under 65. Therefore, it is argued that the lack of garden space may appeal to

¹ P/2020/00816

younger or older couples without children. However, I have no compelling evidence to indicate that the housing mix in the plan area is so problematic that substandard accommodation with regards to external space should be provided.

12. Based on the above, the proposal would not provide suitable living conditions for prospective future residents of the proposal with regards to the provision of external amenity space. This would be contrary to Policies DP1 and SP24 of the LP which seek, among other things, to ensure development presents an appropriate layout for new development that integrates with the existing environment and context, including space around dwellings and private space. The proposal would also be contrary to guidance in the SPD and the National Planning Policy Framework, which advises in paragraph 130 that development provides a high standard of amenity for existing and future users.

Other Matters

13. The site is located within the Barton Under Needwood Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
14. The Council has concluded that due to the minimal external works required to facilitate the proposal there would be no harm to the significance of the CA. Based on all that I have seen and read, I see no reason to come to a different conclusion and the proposal would therefore preserve the character and appearance of the CA in accordance with the Act.

Planning Balance

15. The Framework seeks to significantly increase the supply of housing. The proposal would add 2 dwellings to the Council's existing stock in an area which has access to services and facilities and is on a local bus route. It would also make efficient use of previously developed land. These considerations are worthy of some positive weight in favour of the scheme.
16. The buildings have an existing lawful use which would allow light industrial and commercial work to be undertaken. It is argued these processes have harmed the living conditions of occupiers of neighbouring properties from noise and disturbance historically and that these uses could re-commence at any time. However, the appellant also states that the buildings are not suitable for most modern commercial uses and have been vacant since August 2019. As such, I attribute little weight to this fallback position.
17. The scheme was not subject to objections from the Council with regards to the significance of the Conservation Area, highway safety, ecology or flood risk. Be that as it may, an absence of harm in these matters would be neutral in the planning balance. Although it is claimed that the proposal would improve highway safety, I have nothing substantive before me as to why this would occur.
18. I have identified that the proposal would not provide suitable living conditions for future occupiers of the dwellings. This carries significant weight against the proposal. Set against this harm, the socio-economic benefits associated with one dwelling would be limited, taking account of the objective of boosting

significantly the supply of housing in the Framework and given the Council's housing land supply position.

19. Achieving well designed places is a core component of sustainable development, and while I agree that a balance must be struck, the lack of suitable external space for future occupiers of the proposal would attract considerable weight against the proposal.
20. Therefore, taking into account all these matters, the adverse impacts of the development would significantly outweigh the benefits when assessed against the policies of the development plan and the overarching aims of the Framework.

Conclusion

21. The proposal would not provide suitable external space for future occupiers. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR