



Appeal Decision

Site visit made on 21 June 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/M3455/W/21/3289373

Land at Charsley Place, Blurton, Stoke-on-Trent, Staffordshire ST3 3EB

- 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 Zeeshan Ulhaque of Xhan Architectural Consultancy against the decision of Stoke-on-Trent City Council.
- The application Ref 66627, dated 19 April 2021, was refused by notice dated 17 November 2021.
- The development proposed is erection of three two storey terraced residential dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the original application form was lengthy and included details of site description. Therefore the description above is taken from the Council's decision notice which is consistent with the appellant's appeal form.
3. The proposal was amended during the Council's determination of the application from three bedroomed houses to two bedroomed houses. I have determined the appeal on that basis.
4. Policy ASP3 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (October 2009) (Core Strategy) specifies that during the period 2006-2026 a minimum of 5,100 dwellings will be built in the Stoke-on-Trent Outer Urban Area subject to the outcome of the Regional Spatial Strategy Revision. The Council considers this policy to be somewhat out of date and therefore that the presumption in favour of sustainable development applies, as set out in the National Planning Policy Framework (the Framework).
5. However, Policy CSP1 of the Core Strategy is also referenced in the Council's decision notice. This design quality policy includes a number of requirements relevant to the consideration of the appeal scheme. This includes effects on local character, settlement pattern, mix of uses, accessibility and sustainability. Consequently, this broad ranging policy is important to the determination of this proposal and its requirements are not out-of-date for the purposes of this decision. Therefore, taken as a whole, the most important policies for determining this appeal are not out of date. Accordingly, the presumption in favour of sustainable development under the terms of paragraph 11.d) of the Framework does not apply.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area;
- whether it has been demonstrated that the proposal would be acceptable with respect to highway safety during the construction phase, with particular regard to pedestrians;
- the effect of the proposed development on the living conditions of existing occupants of houses in the locality with regard to parking stress, and whether the proposal would create acceptable living conditions for its future occupants with respect to accessibility.

Reasons

Character and appearance

7. Charsley Place is set back from Consett Road behind a grassed area containing a few modest trees. Houses on Charsley Place are positioned to either side of a further central grassed area, with a terrace of four properties on each side. These have hipped roofs, the central two being two storey, with single storey houses at either end. There is a pleasing sense of symmetry in the appearance of each terrace, as well as in their position relative to the green space. The houses are accessed from a footpath and front directly on to the green space, behind modest front gardens. This gives a pleasant, open character, where the front façade of each house is clearly visible from the public realm. This is a positive defining feature of the character of this area.
8. The building form of the Charsley Place terraces is repeated in two further terraces that front on to Consett Road, as well as in the locality. In the wider area, houses are predominantly two storey, many of which appear to have been constructed at a similar time, to a similar typology. The consistency of design and placement of buildings relative to the road creates a welcome rhythm in the street scene. Some corner plots are occupied by gardens of adjoining houses. Others are occupied by houses that front on to the corner, creating a sense of enclosure without appearing cramped.
9. Although houses on Charsley Place all have hipped roofs, the proposed pitched roof with side facing gable is present in the surrounding area and therefore would not appear entirely out of place. The proposed building materials would be consistent with other houses in the locality. The use of sensitive boundary treatment could soften its appearance. Similarly, the two-storey scale of the proposed houses, and placement of windows and front doors, would be in keeping with the general style in the locality.
10. However, although the proposed ratio of floorspace to plot size may be consistent with others in the area, proposed plot 3 and part of proposed plot 2 would front onto the side elevation of 7 Charsley Place. This would create a cramped appearance, interrupting the rhythm in the street scene. It would also appear at odds with the open character of the area where the front elevations of existing houses are entirely visible from the public realm. This cramped appearance would be emphasised by the proposed location of plot 1, with very limited space visible between the building and its side boundary. Furthermore,

the appeal scheme's location to one side of Charsley Place would detract from the pleasing symmetry of existing houses relative to the green space.

11. Consequently, in views from Consett Road and Charsley Place, rather than adding a richness to the character of the area, the proposal would appear cramped and contrived, clearly out of kilter with the symmetry, rhythm and positioning of surrounding development. Although the existing site is somewhat overgrown, the proposed development would have a considerably greater presence that would be detrimental to the street scene. Therefore, the proposal would unacceptably harm the character and appearance of the surrounding area. Accordingly, it would be contrary to Policy CSP1 of the Core Strategy, which seeks to ensure new developments respect the character and pattern of the surrounding area.
12. It would similarly be contrary to the overall approach in the Newcastle under Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (December 2010), which generally seeks to ensure proposals achieve good design and make a positive contribution to the character of the area.

Highway safety

13. The appellant submits that the construction process could be suitably managed through compliance with a construction method statement secured by a planning condition. Reference is made to a range of matters that such a condition could address, including controlling construction working hours, use of lightweight equipment, minimising the size of the construction site and requiring lightweight construction methods involving prefabricated components where possible.
14. Construction method statements are commonly required by condition to minimise disruption to local residents and businesses. However, planning conditions should only be imposed where they meet the tests specified in paragraph 56 of the Framework. Such a condition would be necessary here to make the development acceptable with respect to highway safety, where construction access would bring vehicles in close proximity to pedestrian accesses to existing properties.
15. Nevertheless, limited information is before me to indicate whether the suggested construction method restrictions would be reasonable. For example, whether construction vehicles could safely access the site given its entrance set back so far from the road, beyond numerous pedestrian accesses. Further, whether the particular conditions of the appeal site and proposal would lend themselves to construction using lightweight, small scale equipment, and prefabricated elements. Without robust evidence to indicate otherwise, the requirements of complying with such a condition could prevent the proposed development from taking place.
16. Accordingly, it has not been demonstrated that the proposal would have an acceptable effect on highway safety during the construction phase, with particular regard to pedestrians. Although Policy CSP1 of the Core Strategy is of limited relevance in this context, the proposal would be contrary to paragraph 111 of the Framework which requires that development should be prevented if there would be an unacceptable impact on highway safety.

Living conditions with respect to parking stress and accessibility

17. I note the concern referenced in the Council officer's report, and raised by some local residents, that the proposal would unacceptably increase pressure for on-street parking spaces on local roads. Further that this would increase parking stress for existing residents due to greater time required to locate on-street parking spaces. A Parking Impact Assessment by iRIS Sustainable Planning (June 2021) (the survey) sets out the findings of on-street parking surveys on Consett Road and Chilworth Grove. In the circumstances of this case, I am satisfied that a sufficiently broad range of survey times and days was undertaken.
18. The survey identified that available on-street parking spaces ranged from 11 to 20 spaces on Consett Road, and from 0 to 2 spaces on Chilworth Grove. Whilst pressure for on-street parking will inevitably fluctuate throughout the day, the survey indicates that there remained a reasonable number of parking spaces available on surrounding roads. Also at my site visit, whilst only a snapshot in time, there appeared to be a good number of available parking spaces. Therefore, given the relatively small scale nature of the proposal, evidence does not indicate that the potential scale of increase in on-street parking would unacceptably harm the living conditions of existing occupants of houses in the locality with respect to parking stress.
19. Furthermore, should future occupants of the proposal own a car, there would likely be reasonable availability of on-street parking spaces in the locality. In addition, there are a range of facilities and services accessible from the site on foot, as well as good proximity to bus routes and reasonable accessibility to trains. Therefore, there would be realistic opportunities for future occupants to carry out some day-to-day activities by sustainable transport modes. Consequently, in the particular circumstances of this case, the distance between the proposal and the nearest vehicular access point would provide acceptable living conditions for future occupants with respect to accessibility. In addition, the topography of the site and surrounding area is such that domestic bins could reasonably be moved from the appeal site to Consett Road without unduly inconveniencing future occupants.
20. Accordingly, the proposal would comply with the general requirement in Policy CSP1 of the Core Strategy for developments to be accessible. However, for the reasons given above in respect of the proposed design and appearance, it would conflict with the Policy as a whole.

Planning balance

21. The proposal would deliver three new houses with suitable internal space and external garden space for future occupants, making a small contribution to the Government objective of boosting the supply of homes and contributing to housing delivery in Stoke-on-Trent. It would make use of a vacant site with access to a range of goods and services by sustainable transport modes which could help support healthy lifestyles for its future occupants. I recognise the potential value from future occupants of the proposal in generating additional demand for local goods and services. The construction works would provide short term benefits to the local and wider economy. Nevertheless, given the scale of the proposal, the associated benefits would be limited.

22. The retention of part of the site as undeveloped land could result in biodiversity enhancements and amenity value to local residents. However details of this relative to the ecological value of the site as existing, and a mechanism to secure its future management and maintenance, are not before me. That the proposal would not harm neighbouring occupants with respect to matters such as loss of light and privacy are neutral considerations.
23. The proposal is submitted as a brownfield site having been previously occupied by a scout hut. However it now has the appearance of a grassed field with self-set vegetation. In any event, even if I were to accept that the site accords with the definition of previously developed land as set out in the glossary to the Framework, taken as a whole the benefits of the proposal would not be sufficient to outweigh the considerable and enduring harm to the character and appearance of the surrounding area. The Framework establishes that good design is a key aspect of sustainable development. In addition, convincing evidence that the proposal would have an acceptable effect on highway safety during the construction phase is lacking. Moreover, even if I were to consider the most important development plan policies to be out of date, inherent in my reasoning above is that the adverse effects of allowing the scheme in terms of design and highway safety during construction, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

24. Therefore, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR