



Appeal Decision

Site visit made on 1 November 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/M3455/W/22/3298951

157 Cauldon Road, Shelton, Stoke-on-Trent ST4 2DX

- 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 Ronald Lawrence against the decision of Stoke-on-Trent City Council.
 - The application Ref 67455, dated 6 December 2021, was refused by notice dated 8 February 2022.
 - The development proposed is the change of use large HMO (9 bed/9 person) (Sui Generis) and associated erection of single storey rear extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has included revised drawings as part of this appeal. I have considered the revised drawings under the principles established by the Courts in *Wheatcroft*¹, and to consider them would deprive those who should have been consulted on the change, the opportunity of such consideration. I have therefore determined the appeal on the basis of the drawings considered by the Council.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of the appeal site.

Reasons

4. The appeal building is a two-storey terraced dwelling with further living accommodation within the roof. It is set back from the road by a small front garden area. To the rear of the dwelling is a part two-storey, part single-storey outrigger with a paved garden area that wraps around the rear and side of the outrigger. Access to the site is provided both at the front and rear. The dwelling is currently used as a house in multiple occupancy (HMO) with permission for up to six occupants.
5. Mindful of the type of accommodation provided at the appeal site, I find it is unlikely that the HMO would be occupied by families or young children. As such the typical needs of future occupiers would likely be sitting outside, relaxing and socialising. I note that the appellant only intends for the HMO to be

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

occupied by 7 people but that they wish to have the option available for two additional occupiers. Whilst it may only be an option the appellant wishes to keep open, I must nevertheless consider this eventuality.

6. The above mentioned outside space serving the appeal site is relatively limited in size and I find that the parts to the front and sides of the dwelling are less useable than others. In particular, the area to the front of the building does not provide any privacy and as such would likely be less appealing for use as an amenity space. Beyond the potential for use as a smoking area as raised by the appellant. Likewise, the narrow portion of the rear garden along the side of the outrigger is more akin to an outside corridor and given its narrowness would not be a particularly useable or appealing space either. Therefore, the primarily useable outside space is limited to the main portion of the rear garden.
7. The retained area of the main portion of the rear garden would be significantly reduced compared to its existing scale. This area would need to afford space to meet the same needs but accommodate an increased number of occupiers. As the useable space would be reduced and its users increased, I find that the changes would be significant, and that the resultant communal amenity space would not be sufficient to meet the needs set out above. Although outside space may be weather dependant, it nevertheless makes an important contribution to the living conditions of future occupiers that is different to that provided by inside space. Its provision is therefore no less important than indoor communal spaces.
8. I am aware of the substantial park near to the appeal site. Although this space would provide some opportunities for some social and recreational activities, I find that it would not accommodate the flexibility and freedom afforded by a communal space on site. Notably, occupiers would be unlikely to use the park to spend shorter periods of time outside or visit during the evening.
9. I note that the appellant has referred to the potential to move the rear wall of the proposed extension in order to increase the provision of outside amenity space. However, I have not been provided with any details of this and nevertheless, the appeal process should not be used to evolve a scheme.
10. The proposal would reduce the outside amenity space by extending over a significant portion of the rear garden, both the corridor and main parts. The proposal also provides two options for the small courtyard created between the extension and bedroom 2, one (a) for the creation of a communal courtyard accessed from the lounge, while the other (b) would be private, accessed from bedroom 2.
11. Given the small scale of the courtyard I find that it would not be particularly useable or appealing space for communal use as proposed under option (a). Although the courtyard would not contribute towards the communal space under option (b), given the above, I do not find this to be unacceptable. Furthermore, option (b) would protect the privacy of bedroom 2.
12. Under both options (a) and (b) an area of glazing, a patio door or window respectively, would serve the lounge on the side wall which would provide an outlook and level of light similar to the existing provision. To the rear of the property, serving the kitchen area, a further window would provide an outlook from, and light to, the kitchen area. However, the open plan communal area which incorporates the lounge and kitchen is of some size, and the central

portion of this is not served by any windows. This area would therefore be served by a poor level of natural light and have no meaningful outlook. The future occupiers would therefore rely on artificial lighting in the otherwise dark and enclosed space. The poor quality of this internal communal space would be detrimental to the living conditions of future occupiers.

13. The outlook from the window, or door, serving bedroom 2 under options (a) and (b) would be reduced as a result of the single-storey side extension. However, given the height of the extension and its distance from the glazing, the outlook would afford a sense of openness within the courtyard and views above the roof towards the sky. Given the narrow outlook afforded by the existing window, I do not find this reduction to be so significant as to be unacceptable. Similarly, I consider that light to bedroom 2 would not be unacceptably affected given its relationship to the proposed extension.
14. In light of the above, the proposal would not provide a suitable quality of living conditions for the existing or future occupiers by way of the limited provision of outside amenity space and the level of light to, and outlook from, the internal communal space. The proposal would therefore conflict with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 which requires that developments contribute to healthy lifestyles and provide private spaces that are attractive to use. The proposal would also conflict with the National Planning Policy Framework, including Paragraph 130, which seeks for developments to promote well-being and a high standard of amenity for existing and future users. It would also not comply with the overarching guidance set out within the National Design Guidance with particular regards to amenity spaces and light.

Other Matters

15. The appellant has made reference to examples of potentially similar development at numbers 117 and 181 Leek Road, and numbers 89, 90, 92 Seaford Street. I have not, however, been provided with sufficient details of these cases to be certain of what was permitted at these locations or the circumstances under which the permission was granted.
16. The appellant has also raised the potential of permitted development rights being utilized to reduce the size of the existing garden. However, I have not been provided any substantive details to demonstrate that the appeal site benefits from permitted development rights or that these options would be acceptable under permitted development. I therefore do not find that this would be a fallback position as there is not more than a theoretical possibility of it being carried out.

Planning Balance and Conclusion

17. The Government's objective is to significantly boost the supply of housing and the proposal would increase the level of occupation from 6 to 9. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract modest weight.
18. Conversely, the proposal would result in harm to the living conditions of future occupiers in conflict with the development plan taken as a whole. This attracts

significant weight and outweighs the benefits associated with the proposed development.

19. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR