



Appeal Decision

Site visit made on 1 December 2022

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/M3455/W/22/3306259

11 Station Street, Longport, Stoke-on-Trent ST6 4NB

- 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 C Chell of Bona Properties Limited against the decision of Stoke-on-Trent City Council.
 - The application Ref 67610 dated 19 January 2022, was refused by notice dated 28 July 2022.
 - The development proposed is to convert existing building to create 9 residential units, construct extensions to create a further 2 units.
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Decision

1. The appeal is allowed and planning permission is granted to convert existing building to create 9 residential units, construct extensions to create a further 2 units, at 11 Station Street, Longport, Stoke-on-Trent, ST6 4NB in accordance with the terms of the application, Ref 67610/FUL, dated 19 January 2022, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Amended plans were submitted during the application determination period, which reduced the originally proposed 12 dwellings to 11 dwellings. The Council's decision was made on the basis of these amended plans, and I have amended the description of development in the banner heading accordingly.
3. I identified minor discrepancies in Revision C of the plans. Rooflights for unit 4a, and a window for unit 3 on the side elevation facing the church, were shown on the elevation plan but not on the floorplan. An entry lobby door on the same elevation was shown on the floorplan but not on the elevation plan. In response the appellant submitted Revision D, with both the elevations plan and the floorplan now including all the above fenestration. The Council were given an opportunity to comment but did not provide any additional substantive comment on these amendments. No other parties would be affected, and therefore proceeding without further consultation did not affect any principles of natural justice.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of potential future occupiers, with particular regard to outlook and daylight.

Reasons

5. The appeal site comprises a 3-storey vacant commercial building at 11 Station Street, which comprises shop floor space, storage, and staff facilities plus an apartment across the upper storeys. The proposal also incorporates a small open area and storage buildings in the rear of the conjoined property at No. 9 Station Street, the front of which has relatively recently been converted into dwellings. A church lies directly to the south, with the wider vicinity characterised by a range of commercial and residential units.
6. The proposal is to create 11 dwellings through a change of use of No. 11 plus 2 extensions into the area of No. 9, and some associated works. The Council's decision notice references a general significant adverse impact on the residential amenity of potential future occupiers in terms of natural light and outlook.
7. With regard to light, the Council's evidence identifies its main concern relates to units 3 and 6 of the scheme, and I have therefore focused my assessment predominantly on these units. I note that the Council's concern was not specified in terms of any technical standards for the scheme to meet. Unit 3 would have one window to the bedroom, and 2 windows and 2 doors to the open plan kitchen and lounge. Following the appellant's clarification of the retention of the existing window in this location, this negates the Council's objection that Unit 3 would have no lounge window. Unit 3 would also now be very similar to the layout and windows for unit 7, to which the Council raised no objection. I therefore find that the light ingress to unit 3 would be satisfactory.
8. Unit 6 would only have one window to the combined kitchen and lounge area. However, I noted during my site visit that even on a relatively dull day, plentiful light was available in the existing room in this location, which would have a broadly similar configuration under the proposal. The window is large and light ingress is not constrained by any nearby buildings. Along with the proposed bedroom windows, I therefore find that the daylight to unit 6 would be acceptable.
9. I have also considered the expected levels of light into all the other units in the scheme, and agree with the Council that they would be acceptable. Policy R19 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (UDG) Supplementary Planning Document (SPD) (2010) requires dwellings to be designed to provide appropriate levels of space and light, including sunlight, and the proposal therefore complies with this guidance with respect to light.
10. Moving onto a consideration of outlook, with the exception of unit 1 at the front, the Council raised issue with all the ground floor units. This was on the basis that policies R13 and R19 of the UDG SPD require dwellings to provide a good quality of life for residents, by providing adequate and reasonable outlook. Units 2 and 3 would have an outlook on to the existing site boundary, which while at relatively close distance, is not unattractive being an old brick wall. It is also only approximately head height and so would provide a sense of openness around and beyond it due to the set back of the church building.
11. Outlook from unit 4a would be at a similar distance but would be looking onto what is currently a party wall to the adjacent industrial unit, and so I accept that this would not be a high quality view. Similarly, the boundary distance

looking out from unit 4 would be the narrowest of all the units, and there are no details as to this boundary treatment. The bedroom to unit 3a would only have roof lights, and so no direct outlook, although the lounge would have patio doors opening out into the unit's private amenity space.

12. However, I find in mitigation that predominantly the outlook for each unit would be into its own private amenity area. Occupants would therefore have the potential to give further interest and attraction to these areas using planting and seating etc. I would also be able to impose a condition requiring further details to be agreed of the boundary treatments and privacy screens to these areas, which would further place controls over the quality of the outlook.
13. I therefore find that the outlook overall from units 2 and 3 would be acceptable in this regard. Whilst that from 3a, 4, and 4a would be the most limited, I am also mindful of this in relation to and as a proportion of the scheme as a whole. The upper floors would all have reasonable outlook. The extensions into No. 9 Station Street for units 3a and 4a are not proposed on an existing open yard area but to replace existing buildings. Therefore, while their removal from the proposed scheme may allow for better outlook overall, due to the limitations of the site's configuration and historic use I find that the design is not contrived. The scheme's density has considered the character of the existing buildings in its massing, height and bulk, as required by the UDG SPD. These types of buildings in urban locations are often typically attached, or only separated by narrow alleyways, which is thus commensurate with a somewhat limited outlook.
14. I also acknowledge the benefits of the scheme of the provision of 9 new dwellings, that the site is brownfield and currently under-utilised, and that there would be a streetscene improvement to the building's visual appearance.
15. In conclusion, the proposed development would result in acceptable living conditions of potential future occupiers, with particular regard to outlook and daylight. This would comply with policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS) (2009), whereby new development should be well designed, including contributing positively to healthy lifestyles. The proposal would also comply with guidance within the UDG SPD as outlined above, the Framework as it relates to seeking to secure a good standard of amenity for all existing and future occupants of buildings, and the National Design Guide (2021) in relation to the creation of healthy, comfortable, and safe internal and external environments.

Other Matters

16. I note that the Potteries Heritage Society considered the site to be unsuitable for residential development due to issues with noise and air quality, and suggested that the retail unit should be retained plus a reduction in overall unit numbers due to overdevelopment. However, the Council has concluded that the proposal is acceptable in principle for residential conversion, and no concerns were raised by Environmental Health based on noise or air quality. I have seen no evidence to make me disagree with these conclusions.
17. The Council has referred to Policy R15 of the Urban Design SPD whereby development should be designed to provide adequate levels of privacy to habitable rooms. However, privacy was not cited as a reason for refusal, and I find no major issue in this regard. Similarly, whilst the Council suggests that

schemes should strive to exceed the minimum gross internal floor areas for new dwellings as identified in the Nationally Described Space Standard, this was not cited as a reason for refusal, and there are no locally adopted space standards. The scheme meets the required national standards overall, with half of the units exceeding the minimum standards.

18. While some of the bin storage is located within fire escape routes, I find these routes to be sufficiently wide to allow for safe access in an emergency.
19. No. 9 is owned and managed by the appellant to provide emergency accommodation in partnership with Council's Housing Solutions Service, and the appellant states that the proposed new units would provide additional capacity for this service. While I accept that given the context this is likely to occur, I have been presented with no formal mechanism to secure this use. I therefore have not taken this into account in my decision.

Conditions

20. I have attached the statutory condition to limit the lifespan of the planning permission, and one to specify the approved plans to provide clarity for the terms of the permission. Subject to slight amendment to reflect paragraph 56 of the National Planning Policy Framework (2021) and the Planning Practice Guidance, I have also imposed the Council's suggested conditions. To minimise noise disturbance, these relate to assessment and carrying out of noise mitigation measures, and restriction of construction working hours. To promote sustainable modes of travel, satisfactory cycle parking must be provided. To maintain the character of the building, only those external facing materials specified in the application shall be used.
21. I have also imposed a condition requiring the further approval of boundary treatments, in order to maximise attractive outlooks from the units as outlined in my reasoning above.

Conclusion

22. I have found that the scheme would provide satisfactory living conditions for potential future occupiers, with particular regard to outlook and daylight. The scheme would also provide benefits of 9 new dwellings on brownfield land, and improving the visual appearance of a vacant building. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole, and therefore that the appeal should be allowed

L Hughes

INSPECTOR

Schedule of 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 drawings: 'Proposed Plans CA-337-02 Rev D' and 'Proposed Elevations CA-337-03 Rev D'.

- 3) Prior to the commencement of the development hereby approved, a noise impact assessment shall be carried out to establish what noise mitigation measures are required, the details of which shall be submitted to, and approved in writing by, the Local Planning Authority. The premises shall not be occupied until such approved noise mitigation measures have been carried out in accordance with the agreed details and confirmed as such by the Local Planning Authority.
- 4) There shall be no construction works including deliveries carried out outside of the hours between 0800 and 1800 on Mondays to Saturdays, or on Sundays or recognised Bank Holidays.
- 5) Prior to the first occupation of any part of the development, secure and under cover provision for parking of cycles shall be provided and thereafter retained, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.
- 6) Prior to the first occupation of any part of the development, boundary treatments for the whole site and for the private amenity areas shall be provided and thereafter retained, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 7) Only those external facing materials specified in the application shall be used in carrying out the development hereby permitted.