



Appeal Decision

Site visit made on 20 December 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal Ref: APP/X3405/W/22/3302355

33 North Street, Cannock, WS11 0BB

- 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 Carl Jones, Lencal Developments Ltd against the decision of Cannock Chase District Council.
 - The application Ref CH/21/0339, dated 22 June 2021, was refused by notice dated 9 February 2022.
 - The development proposed is described as residential development: Proposed erection of 2no. two storey buildings to create 3no. flats, 3no. garages and 1no. cycle store and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the North Street, Bridgtown Conservation Area; and
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook and the provision of amenity space.

Reasons

Character and appearance

3. North Street, in the vicinity of the appeal site, is a mix of commercial and residential properties. The appeal site is a roughly rectangular parcel of land, which is overgrown and fenced off, to the rear of 37 and 39 North Street. The site adjoins rear gardens on two sides, whilst to the west, is a rear courtyard development of predominantly residential properties (collectively known as 'The Forge') which is accessed via an entry alongside 33 North Street. The appeal site would share the same access.
4. The North Street, Bridgtown Conservation Area (CA) covers a small area of shops and other buildings along North Street, Union Street and Church Street. Its significance is derived from the cohesive area of predominantly late 19th century historic shops and other buildings which make up the centre of Bridgtown, a former industrial settlement associated with edge tool making. This is described in the Council's North Street, Bridgtown Character Appraisal

- (2014). Insofar as this relates to the appeal site, I find the significance of the CA, to be primarily associated with a distinctive group of terraced shops and other buildings of a similar date and character, the linear form of the buildings, predominantly fronting the street, and open land and gardens at the rear with smaller ancillary outbuildings, set within historic plot boundaries.
5. The adjoining development at The Forge is identified in the CA character appraisal as a more recent development which has departed from the historic spatial arrangement with the combining of several of these rear plots. The appraisal considers that it has a neutral impact on the character and appearance of the area. The appraisal comments that when considering infill development, the historic street patterns, historic plot boundaries and relationship of buildings to spaces should be respected. I would agree with these statements.
 6. The proposed development would comprise two buildings to the rear of 37 and 39 North Street which would approximately line up with the adjoining buildings at The Forge and would be of a similar scale and form. Effectively, given the lining up of these buildings and the shared access, it would read as an extension of the Forge development. Whilst I recognise that The Forge is a relatively modern development at odds with the narrow, linear historic plot boundaries in the immediate area, and has introduced significant built form behind the historic frontage development, public views of it are very limited.
 7. The appeal site is similarly located in an unobtrusive location behind the buildings on North Street and the proposal would result in a further amalgamation of historic plot divisions and extend the existing backland development. However, the historic layout, including the spaces between buildings, can only contribute to the historic significance of an area if they can be seen. In this regard, the proposed development would not have any degree of prominence within the Conservation Area and given that there is no objection to the design or detailing of the proposal, it would not therefore have a harmful impact on the character and appearance of the CA as a whole.
 8. Given the above, I conclude that the proposed development would preserve the character or appearance of the CA, thus satisfying the requirements of the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area. It would also accord with Policy CP15 of the Cannock Chase Local Plan (2014) (CCLP) which seeks to ensure that development proposals are sensitive to their context. Section 16 of the National Planning Policy Framework (2021) (the Framework) also requires heritage assets to be conserved in a manner appropriate to their significance.

Living conditions

9. The proposed 2 storey building to the rear of the site, adjoining 7 and 8 The Forge, would comprise a 2-bed flat on each floor, and would be located extremely close to the site boundaries. Consequently, the habitable windows would face the side wall of the adjoining building or the parking area to its frontage. The closeness and significant scale of the adjoining building would have a dominant, oppressive and over-bearing effect upon the outlook from the only windows serving bedroom 2 on each floor and would provide no opportunity for views. At the front of the property, cars would be parked right

up to the window of bedroom 2 on the ground floor resulting in an unattractive and compromised outlook to both bedroom windows of this property. The outlook from this proposed building would therefore provide poor living conditions for future occupants.

10. No amenity space has been provided within the layout of the proposed development. The Council's Design Guide Supplementary Planning Document (2016) (SPD) sets out guidance in respect of space about dwellings and garden sizes. It advises that gardens provide health, social and physical benefits for occupiers and contribute to sustainable development, such as by allowing space to dry clothes and composting. It recommends that outdoor space should be of a useable size and shape, fit for purpose and in proportion to the size of the dwelling and its locality. The guidelines in relation to amenity space are consistent with paragraph 130 of the Framework and attract significant weight.
11. The SPD recommends 30 sq m of amenity space per residential flat. As such there would be a shortfall of 90 sq m within the proposed development and there would be no opportunity within this confined development for sitting out space, area to dry clothes or for any privacy.
12. I am aware that The Forge development, previously the Bridgtown Business Centre, was converted to residential units which do not appear to have amenity space. However, I do not have the details of this conversion scheme or know the circumstances surrounding the development or the policies that existed at the time. Nor do I have any details of other modern flat developments within the local area referred to by the appellant. Therefore, it is not possible for me to draw any comparisons or identify similarities with the appeal proposal before me such that I would be persuaded to disregard the clear policies and guidance requiring outdoor amenity space.
13. I recognise that the Council has not raised an objection to the standards for daylight within the habitable rooms. The development would also provide secure storage and garage space which would be particularly suited to those with bicycles, pushchairs and other storage needs. Being within the town would also suit those with access needs. However, these factors would not outweigh the harm that I have found regarding living conditions.
14. The proposed development would therefore fail to provide acceptable living conditions for future occupants, with regard to outlook and the provision of amenity space. It would therefore conflict with CCLP Policy CP3 and the Design SPD.

Other Matters

15. I have had regard to the previous planning permission on the site which was approved in 2018. The appellant comments that this scheme was substantially the same as the current appeal proposal but was not implemented, partly due to the Covid pandemic. However, I have not been provided with the plans or adequate details of this scheme to draw any exact comparisons, and the Council has not commented on this previous approval.
16. It is important that like cases should be decided in a like manner so that there is consistency in the appeal process. Consistency is important to both developers and development control authorities and to secure public confidence in the development control system. However, based on the information before

me, whilst I acknowledge the appellant's frustration at the apparent change in decision, I cannot be certain of the similarities with the previous approved scheme. Also, whilst consistency is important, I must exercise my own judgement and consider the merits of the scheme before me. Therefore, despite the previous approval and the importance of consistent decision making, this does not justify allowing harmful development and departing from development plan policies.

17. The appeal site lies near to the Cannock Chase Special Area of Conservation (SAC), which is a European designated site. Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority have completed a Habitats Regulation Assessment concluding that subject to mitigation in the form of a payment towards the SAC the appeal proposal would not adversely affect the integrity of the Cannock Chase SAC.
18. If the circumstances leading to a grant of permission had been present, I would have given further consideration to this in accordance with the Habitats Regulations. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider this matter any further as it would not alter my decision.
19. I recognise that the site is currently untidy and is unused land. The proposed development would also increase the number of buildings in the area which could generate income to ensure that historic assets would be better secured and preserved, although there is no proposed mechanism to achieve this. The development may also enhance the vitality and viability of the local centre by providing additional housing. I note that the appellant is also willing to build a new brick boundary wall to reflect the historic plot division. However, these factors would not outweigh the harm that I have found with regard living conditions.

Conclusion

20. Although I have found the development would preserve or enhance the character or appearance of the North Street, Bridgtown Conservation Area, I have found significant harm to the living conditions of future occupants.
21. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal is dismissed.

G Bayliss

INSPECTOR