



Appeal Decision

Site visit made on 28 February 2023

by R Hitchcock BSc (Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/M3455/W/22/3309256

24 - 28 Piccadilly, Hanley, Stoke-On-Trent ST1 1EG

- 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 West Village Investments Ltd. against the decision of Stoke-on-Trent City Council.
- The application Ref 67757/FUL, dated 25 February 2022, was refused by notice dated 22 April 2022.
- The development proposed is the change of use of upper floors of 24-28 Piccadilly into residential units.

Decision

1. The appeal is allowed and planning permission is granted for a change of use of the first, second and third floors to 5no. self contained flats (Use Class C3) and elevational alterations to include dormer windows at 24 - 28 Piccadilly, Stoke-On-Trent ST1 1EG, in accordance with the terms of application Ref 67757/FUL, dated 25 February 2022, subject to the conditions set out in a Schedule attached to this Decision.

Preliminary Matters

2. The description appearing in the banner heading above is taken from the planning application form. An alternative description appeared on the Council's Decision Notice and was used by the appellant for the purposes of the appeal. It does not change the development for which planning permission was sought. I have used the revised description in my decision as a more precise reflection of the proposal.
3. Following the decision of the Council, the appellant has submitted additional viability information and a more detailed plan of the proposed dormers. They suggest that this information should be considered in the appeal decision. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles, the degree of engagement with all parties with the issue of the dormers and scheme viability, and the extent of the comments from the Council. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which all parties were consulted.
4. There is a discrepancy in the submitted plans. The floorplan for the living room/dining room at third floor level appears to show an additional window which is not present or reflected on the proposed elevations. As it has not been demonstrated how it might be provided, I have not considered it as part of the proposed development.

Main Issues

5. The main issues are:

- whether or not the proposed flats would provide a suitable standard of living conditions for prospective occupiers having particular regard to space and natural light
- whether or not the development would preserve or enhance the character and appearance of the Hanley Conservation Area.

Reasons

Living conditions

6. The proposal seeks the subdivision of the existing 1st and 2nd floors each into two 1-bed units. The resultant 4 units are assessed as being about 33m² each by the appellant. The roof space would be converted into a single 2-bed unit shown as some 66m².
7. The Council's development plan policies do not specify minimum floorspace requirements for residential accommodation. The Planning Practice Guidance states that 'Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard.' Whilst the technical housing standards (THS) cannot, therefore, be afforded significant weight in this case, they do provide a guideline to the standards of accommodation that would normally be expected for reasonable day-to-day living needs.
8. The units would provide reasonable bedroom sizes and meet some key dimensions of the THS. However, the single units would fall slightly short of the THS's Gross Internal Areas for new dwellings. Furthermore, the extent of storage within individual units has not been qualified.
9. However, the main living spaces on the 1st and 2nd floors would benefit from large windows and some would have a dual aspect. This would provide for a bright and airy feeling to those parts of the accommodation.
10. On the 3rd floor, the sloping ceiling would impose some head height restrictions close to the eaves of the building. Nevertheless, a reasonable amount of overall living space would be provided and sufficient to avoid uncomfortable or cramped conditions based on their intended occupancy.
11. On the upper level, only the stairwell and the bedroom fronting onto Brunswick Street benefit from window existing openings. However, a proposal to install 3 dormer lights seeks to provide illumination of the second bedroom and the main living space in the upper flat.
12. To deliver suitable daylight and outlook, the proposed Brunswick Street dormer would require the removal of a previously reduced chimney stack. However, subject to this requirement and a sufficient area of glazing, I find the rooflights either side of the main living room would allow enough natural light to permeate most of the floor area of the room and provide adequate natural lighting.

13. A single dormer would provide suitable illumination of the second bedroom. Furthermore, the submitted plans show that these would be at a height to allow a reasonable degree of outlook over the surrounding townscape.
14. For the above reasons, I find that the relatively open outward aspects, extent of daylight and floorspaces would provide acceptable living standards for prospective occupiers of the town centre accommodation. It would align with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 [2009] (the CS) and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guide [2010] (the SPD) as they require development to contribute to healthy lifestyles.

Character and appearance

15. The 3-storey building is an ornate Victorian brick building with a triangular footprint at the apex of Piccadilly and Brunswick Street. It features stone detailing including an ornate cornice, quoins and capped parapets. The principal windows, some mullioned, have stone surrounds and triangular stone pediments. A first-floor semi-circular stone bay and clock tower provide a strong point of focus at the corner.
16. Piccadilly is a main pedestrian prioritised street running through the town centre and containing some of the core retail frontages. Views of the appeal site are prominent on several approaches. It forms a significant element in a lengthy vista through the town centre along Piccadilly and public squares to the north-east.
17. The Hanley Conservation Area (CA) includes a town centre area once noted for its retail offer and buildings set about an historic street pattern. The area consists of some good examples of late Victorian architecture intermingled with subsequent phases of development to provide an amalgam of modern and historic buildings.
18. There is no dispute between the main parties that examples of period roof dormer lights exist in the CA. The Council's report identifies that the effect of modest dormers would be unlikely to have a harmful impact on the CA. Notwithstanding the asymmetric form and split-pitched roof slopes of the building's main roof, I see little reason why suitably aligned small-scale dormers could not be incorporated to the roof in a manner which retains the integrity of the appearance of the building.
19. Additionally, subject to the preservation of the cornice, the further reduction of the chimney on the Brunswick Street frontage, would not be a significant alteration given the previous removal of the detailed upper section and its current appearance only as a continuation of the Brunswick Street parapet.
20. Following the approach advocated in Paragraph 55 of the Framework, I find that the detail of the design and materials of the dormers could be secured through planning condition/s. This would ensure that the dormer lights and alterations to the building would not harm its character or appearance, or that of the wider CA.
21. Moreover, the exterior of the building appears timeworn in places. Some upper floor windows are broken and sliding sash frames have peeling paint. Internally, I saw that water ingress had occurred resulting in some collapsed ceilings and dampened timbers. In this regard, the proposal could achieve a

lasting use of the building to facilitate its long-term use and maintenance. It could thereby secure or improve the building's contribution to the CA.

22. Taking the above matters together, and having regard to the duty under s72(1) of the (Listed Buildings and Conservation Areas) Act 1990, I find that the proposal would preserve the character and appearance of the locality and the CA. It would comply with Policy CSP1 of the CS, Policy HE4 of the SPD and the Framework as they require new development to respect Stoke-on-Trent's built heritage and townscape character, and preserve or enhance the character or appearance of Conservation Areas.

Other Matters

23. In support of the proposal, the appellant highlights that the scheme would make efficient use of an underused site that would contribute to the delivery of housing in the area. It would assist in regenerating and adding to the vitality of the city centre and limit travel needs for prospective occupiers. These are benefits in favour of the development.

Conditions

24. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
25. The incorporation of measures to ensure suitable levels of sound insulation in the building are reasonable given existing (or potential) commercial activity at ground floor level. This is of necessity a pre-commencement condition to ensure any necessary measures are incorporated into the conversion works.
26. Pursuant to my findings in relation to the dormer rooflights, a condition requiring the details of their appearance and installation, including removal of the reduced chimney stack, is necessary to provide adequate outlook and internal natural light. A condition retaining bin storage is necessary to avoid an adverse impact on the CA and use of the highway.
27. Due to the constrained internal access arrangement of the building and town centre location, a condition requiring secure cycle storage at the site would likely be unworkable and therefore unreasonable. Given the easy access to services and facilities, including public transport, I do not consider its requirement a necessity in the particular circumstances of the case.

Conclusion

28. For the reasons given, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Planning Permission Ref. 67757/FUL

- 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 plans: 21 035 AL(0) 04 Rev C and 21 035 AL(0) 05 Rev B.
- 3) No development shall commence until details of all proposed sound insulation and mitigation measures to demonstrate that internal areas, primary living areas and amenity areas conform with the guidance contained within the BS8233:2014 and the World Health Organisation standards, have been submitted to and approved in writing by the Local Planning Authority. No residential component of the building shall be occupied until such a time as the agreed measures have been fully installed and thereafter, the agreed sound insulation and mitigation measures shall be retained for the duration of the development in accordance with the details approved pursuant to this condition.
- 4) No residential use of the 3rd (upper) floor of the building shall take place until:
 - a) details of the design and appearance of all rooflights, including dormer rooflights, have been submitted to and approved in writing with the local planning authority, and
 - b) all approved rooflights and the demolition of the chimney stack to the cornice level on the Brunswick Street elevation, as shown on approved plan 21 035 AL(0) 05 Rev B, have been completed in accordance with the approved details.
- 5) The bin store shown on approved plan reference: 21 035 AL(0) 04 Rev C shall be available for that purpose in association with the residential use of the building at all times and for the duration of the development.

END.