



Appeal Decision

Site visit made on 29 August 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/M3455/W/23/3320179

5 Cresswell Road, Stoke-on-Trent ST1 3PA

- 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 E Arslan, of Arslan Enterprises Ltd against the decision of Stoke-on-Trent City Council.
 - The application Ref 68444, dated 15 September 2022, was refused by notice dated 6 March 2023.
 - The development as originally proposed is the conversion of commercial Garage to 1 bedroom 'Dwelling' (Circa 60m² GIA) over two storeys.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposed development would provide adequate living conditions for future residents, with particular reference to external amenity space and bin and cycle storage; and
 - b) the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to outlook.

Reasons

Living conditions of future occupiers

3. The proposed development would have no outdoor amenity space. My attention has been drawn to the fact that there are three parks within 1 mile and five parks within 1.5 miles of the proposed development. Whilst the availability of these facilities would compensate for the lack of recreational space to some degree, this does not override my concerns over the lack of any private outdoor amenity space for the future occupiers of the proposed development.
4. The appellant has suggested that there are properties close by which also do not have appropriate outdoor amenity space. However, the nearby terraces do have small outdoor rear yards, and the apartments opposite have at least communal amenity space, with some having small private amenity space. Whilst I agree that some potential occupiers might prefer not to have an actual garden that requires care and attention, some form of outdoor space is usually welcome for sitting out, drying clothes and other modest domestic activities.
5. The appellant has suggested possible solutions to the lack of outdoor amenity space, suggesting that a first-floor balcony could be provided on the frontage,

or that the proposal could share garden curtilage with 5 Cresswell Road, which could have a sub-divided rear garden. However, it is not the role of the appeal process to consider suggested amendments, and I have determined the appeal on the basis of the information and submitted plans before me.

6. The lack of any outdoor space also has implications regarding bin and cycle storage, which would be stored within the proposed dwelling. However, whilst many properties may take bins and bicycles through the house to reach their storage point, this storage point is usually located outside of the property, and alternative routes that would not necessitate taking the bins through the house are often possible. The lack of outdoor space would mean that this would not be possible within the new development. Although without a garden, only two bins would be needed, and storage space for just one bicycle would be proportionate to the size of the proposed dwelling, I consider that having to house wheelie bins and a bicycle indoors in an already small property would have a detrimental effect on living conditions for future occupiers.
7. I consider that the proposed development would not provide adequate living conditions for future residents of the property. I find that the lack of outdoor amenity space would be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS) which requires new developments to be well designed and contribute to healthy lifestyles, and have public and private spaces that are safe and attractive. The proposal would also be contrary to the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guide supplementary planning document (SPD) which states that developments must provide some form of private or shared communal outdoor space in the form of balconies, terraces and/or gardens, that bin and bicycle storage should be integrated into the overall scheme, and that developments should improve the character and quality of the area. The development proposal would also not be in accordance with the National Planning Policy Framework which states that development proposals should provide a high standard of amenity for existing and future users, and the National Design Guide that advocates good design.

Living conditions of neighbouring occupiers

8. The proposed development includes a vertical extension to create a larger first floor. This will increase the massing of the existing outbuilding. The rear of 5 Cresswell Road would look out on to the blank two storey wall.
9. However, as 5 Cresswell Road already looks out on to the existing blank wall of the garage which gives the yard an enclosed feel, and the proposed development would be sited in an urban area with characteristically tightly spaced dwellings, the proposed development would not lead to a feeling of overbearing and oppressiveness to such an extent as to have an unacceptable impact on the outlook from 5 Cresswell Road.
10. On this issue I do not find the proposal to be contrary to the Policy CSP1 which seeks to ensure that all development contributes positively in terms of scale and layout. However, this does not outweigh my concerns in respect of the living conditions of future occupiers of the proposal.

Other Matters

11. Although not part of the reason for refusal, the Council raised concern over the design of the windows which would have a transparent top panel, and an opaque bottom panel. However, due to the variety of window designs elsewhere in the street the proposed windows would not be incongruous.
12. The appellant has indicated that as the garage currently has a C3 use associated with 5 Cresswell Road then it's current use is 'incidental to the enjoyment of the dwellinghouse' and the applicant could create living accommodation tied to the house. Additionally, if the current building was renovated whilst remaining incidental to 5 Cresswell Road this could be converted to a C4 use class as a home in multiple occupation (HMO), and that in comparison the proposals are far superior.
13. However, there is no substantial evidence before me to demonstrate that this is the appellant's requirement or is otherwise likely if I were to dismiss the appeal. Furthermore, I do not consider this would justify allowing an appeal for a dwelling that would be substandard in terms of living conditions in relation to external amenity space for future occupiers. This therefore has minimal weight in my decision.
14. I am sympathetic to the fact that the appellant has worked with the Council to provide revised plans in order to improve the design of the scheme, and I acknowledge that the proposal would have some beneficial effects. It would improve the appearance of the derelict garage and would meet the Government's Nationally Described Space Standards, providing one-bedroomed accommodation in a location close to services and facilities that could be rented at an affordable level. I acknowledge that there have been no objections from statutory bodies. However, none of these matters outweigh or alter my overall conclusion on the main issues.

Conclusion

15. The proposal would conflict with the development plan when taken as a whole and there are no material considerations which would indicate a decision other than in accordance with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

L Hughes

INSPECTOR