



Appeal Decision

Site visit made on 28 November 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2024

Appeal Ref: APP/M3455/W/23/3316211

886 London Road, Stoke on Trent ST4 5NX

- 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 A King against the decision of Stoke-on-Trent City Council.
 - The application Ref 68487, dated 30 September 2022, was refused by notice dated 9 December 2022.
 - The development proposed is demolition of existing outbuilding and change of use of land to car sales/ storage with office and storage buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - highway safety, with particular regard to parking and manoeuvring;
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance to the properties along London Road.

Reasons

Highway safety

3. The appeal site comprises an area of hardstanding with a lean-to outbuilding attached to the neighbouring property. The site fronts London Road and has a rear access off an un-named alleyway which runs between Elphinstone Road and Highgrove Road. At the time of my visit the land had been partially enclosed in close-boarded fencing with an area laid to gravel at the front.
4. There are no parking restrictions along this part of London Road or within the surrounding roads, except immediately adjacent to the junctions. At the time of my visit, there was one vehicle parked outside the appeal site. However, the opposite side of London Road and the surrounding streets are reliant on on-street parking due to the terraced housing and other existing commercial uses in the area which have limited or no off-street parking. The availability of on-street parking during my visit was limited.
5. The proposal, as amended, would provide space on site for nine cars for sale and storage stacked in three rows of three cars. The amended plan, submitted during the consideration of the planning application, shows one on-site parking

space for a member of staff, accessed off the rear alleyway. The amended plan also shows visibility splays along London Road but does not show any space for manoeuvring of vehicles within the site.

6. The front row of three cars could be parked in reverse to drive out of the site in a forward gear, however the cars in the rows behind would not be able to be moved without moving other cars out of the way. Given the limited on-street parking in the immediate area any such movements would be likely to result in increased demand on the limited supply of on-street parking and would, therefore, have a detrimental effect on highway safety along London Road.
7. In that regard the appeal proposal would be materially different to the approved scheme for residential development on the site which did not include the same amount of vehicle parking or need for manoeuvring.
8. Although the appellant contends, in the submitted Supporting Statement, that they would only advertise approximately one third of the cars on the site, this would not be possible for the Council to control, monitor or enforce. From the evidence before me, there is no distinction between the vehicles for sale or for storage and all of them would be visible to customers.
9. Notwithstanding this, the cars on the site would still need to be moved around even if a customer viewed the available vehicles on the internet and then made an appointment to view the one in which they are interested. Moreover, even if a condition was imposed to prevent advertising of any cars at the site, therefore limiting the permission to storage of cars only, the vehicles would still need to be moved on and off the site to allow for the sale of any vehicle. The cars would only be an ephemeral feature.
10. For these reasons, such a condition would not overcome the harm I have identified. The amended plan did not show how vehicles would be manoeuvred without harm to highway safety and did not, therefore, overcome the concerns raised by the Highway Authority.
11. Furthermore, there is no means before me to dissuade passing trade from visiting the site, neither is there any means to prevent customers wanting to view and test drive vehicles that are behind other vehicles, or any means to control the level of turnover of vehicles on the site.
12. For the above reasons, the development would be likely to result in adverse highway safety conditions, with particular regard to parking and manoeuvring and would therefore be contrary to the requirements of Policy ASP3 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, adopted October 2009 (CSS) which, amongst other matters, seeks to improve accessibility and transport.
13. Although the proposal would not result in severe residual cumulative impacts on the road network when assessed against the National Planning Policy Framework (the Framework), the scheme would result in increased vehicle movements, increased pressure for limited on-street parking, and adversely affect highway safety. Accordingly, the proposal would be contrary to the advice in the Framework which seeks to ensure that a safe and suitable access to the site can be achieved for all users.

Character and appearance

14. The surrounding area is residential terraced dwellings with a number of other commercial uses. Either side of the site is a mortgage advisor, one house and a laundrette. Opposite the site is a post office. In the wider area are other services and facilities including larger commercial units and education premises further along London Road. Although the majority of the buildings are in residential use there are a number of commercial uses, and the character of London Road is not wholly residential.
15. In my judgement and contrary to the Council's assertions, the commercial uses in the immediate area are not all small scale and are not limited to local services and facilities. The post office, laundrette and beauticians could be argued to be serving the local community. However, a number of the uses in the area, including the adjacent mortgage advisors, vets, florists, and the motor parts supplier, would draw trade from a wider area rather than just the immediate locality. The area includes uses which would be expected to be located within a local centre rather than in residential areas.
16. The office and storage container, which are proposed to be at the rear of the site, would not be prominent or visually intrusive in the street scene. Moreover, notwithstanding the highway safety harm detailed above, the use of the site for the sales and storage of up to nine cars would be a small-scale commercial enterprise and, in my judgement, would not be visually harmful or out of keeping with the other commercial uses in the area. The scale of the development and the proposed use would, therefore, not adversely affect the character and appearance of the area.
17. For these reasons, in regard to the effect on the character and appearance of the area, I find no conflict with Policy CSP1 of the CSS in that the development would respect the character and context of the area and is of an appropriate scale, layout, and materials.
18. For the same reasons, I find no conflict with the design advice set out in the Framework.

Living conditions of neighbouring properties

19. As noted above the site is within an area with other commercial uses alongside the residential properties. Furthermore, both parties have advised that London Road is a busy route connecting the A34 to Stoke town centre. As such the occupants of the surrounding residential properties are already likely to be affected by a degree of noise and disturbance from vehicle movements along the road and from customers to other businesses.
20. The size of the site and the number of vehicles proposed within the site would limit the amount of noise and disturbance and, in my judgement, would be unlikely to be perceptible above the existing noise and disturbance in the area. Conditions could be used to limit the opening hours and vehicle delivery hours of the site to ensure that noise and disturbance was not caused outside of normal business hours.
21. For the above reasons, in regard to living conditions, the proposed use would not result in unacceptable adverse harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance to the properties along London Road. The proposal would add to

the mix of uses in the area without conflict with Policy CSP1 of the CSS which, amongst other matters, seeks to ensure a balanced mix of uses that work together.

22. I also find no conflict with the Framework in regard to living conditions.

Other Matters

23. The appellant has referred to four other sites in the wider area where they contend that the Council has supported similar proposals. Although I have been provided with an address and reference number for each site, I have not been provided with any of the details of these permissions. I, therefore, cannot be certain that the sites referred to by the appellant are comparable to the appeal in terms of the location constraints, the size of the site and the proposed scale of the use. I have no substantive evidence that the sites referred to by the appellant are similarly restricted in size and have the same constraints regarding parking and manoeuvring as the appeal before me. In any event, each scheme must be considered on its own merits.

24. That there are no adverse effects on trees, hedges or biodiversity from the development would not outweigh the harm identified to the main issues above. Third party representations also raised concerns that the use had already commenced, however there was no evidence of a business use on the site at the time of my visit. Furthermore, whether the appellant has a legal right of access is not an issue which can be addressed in this appeal which is confined to the consideration of the main issues against the development plan.

25. The existing site is previously developed land, in accordance with the definition set out in the Framework, however the site is not currently unattractive or detracting from the character and appearance of the area. Moreover, I have found no harm from the proposed commercial use to the character and appearance of the area and neither main party have suggested that the site should not be considered a priority for redevelopment. However, the redevelopment of the site needs to comply with the development plan as a whole and the harm which would result to highway safety is not outweighed by the benefit from redevelopment of previously developed land.

Conclusion

26. For the reasons given above I have found that, although the proposal would not have an adverse effect on the character and appearance of the area or significant adverse effect on the living conditions of the occupants of neighbouring properties, due to the adverse highway safety conditions that would result from the lack of manoeuvring space on the site and limited on-street parking availability in the area the proposal is contrary to the development plan, as a whole, and the Framework. There are no other material considerations, including the modest economic benefits that would be generated, that indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR