



Appeal Decision

Site visit made on 27 February 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH April 2024

Appeal Ref: APP/Y3425/W/23/3330983

5 Prince Avenue, Haughton, Stafford ST18 9ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by M Mitoraj against the decision of Stafford Borough Council.
 - The application Ref is 21/35141/COU.
 - The development proposed is described as *"Retrospective application for change of use of ground floor to treatment centre. Residential use of first floor retained and create new access, driveway and permeable surfaced hard-standing for parking."*
-

Decision

1. The appeal is dismissed insofar as it relates to *"create new access, driveway and permeable surfaced hard standing for parking"*. However, planning permission is granted for *"change of use of ground floor to treatment centre. Residential use of first floor retained"* at 5 Prince Avenue, Haughton, Stafford ST18 9ET in accordance with the terms of the application Ref 21/35141/COU and the plans submitted with it insofar as they relate to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The commercial use on the ground floor of the building shall be limited to a paediatric treatment facility only.
 - 2) The paediatric treatment facility hereby permitted is to be operated between the hours of 9am to 6pm Mondays to Saturdays only.
 - 3) The commercial activities on the ground floor shall be carried out inside the building only.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The description of development in the above banner header is different to that described on the original application form. The parties agreed to combine two applications and a change to the description of development accordingly. Therefore, I have adopted the description of development from the decision notice and the appeal form in the banner heading above and my formal decision.

4. The Council has confirmed that it has no concerns with respect to the change of use of the ground floor to a paediatric treatment centre, subject to conditions. Nothing I have seen or read leads me to a different conclusion in respect of the change of use. I am satisfied this aspect of the appeal scheme is clearly severable from the new access, driveway and permeable surfaced hard-standing for parking. I therefore intend to issue a split decision in this case.

Main Issues

5. The main issues are the effect of the proposed development on:
- the character and appearance of the area; and
 - highways safety.

Reasons

Character and appearance

6. 5 Prince Avenue is a semi-detached property which fronts the A518, Newport Road, within the village of Haughton. The property is set back from the road by its lawned garden and a grassed highway verge. The front boundary has a shallow grassed embankment with a timber fence and pedestrian gate. A bus stop, including an attractive timber bus shelter, and the associated layby is located to the front of the appeal site.
7. The immediate area reflects the edge of village location, with a prominence of hedgerows and deep, grassed highway verges. Residential properties are primarily set back from the road by lawned gardens with front hedgerows or low boundary fences. The appeal site contributes to the prevailing, spacious, and verdant character and appearance along this part of Newport Road, with open agricultural fields opposite.
8. The proposed vehicle access is likely to require a relatively high degree of engineering works to facilitate the proposed access and the necessary visibility splays. Therefore, a large section of the grassed verge, as well as the shallow embankment and front boundary fence would be lost. The loss of these features and replacement with large areas of hardstanding would have a stark and incongruous appearance. This would be exacerbated by the provision of parking and turning areas, which would also dominate the frontage.
9. In addition, the scale of the works within the highway verge and to the site frontage would allow little opportunity for landscaping to soften the effect of the proposals.
10. I accept that a number of residential properties that front Newport Road have frontage access and parking provision. However, those existing access arrangements are discreet, and the parking areas are set behind tall frontage hedgerows. Therefore, having considered the effect of the proposal on the character and appearance on the area, for the reasons given, I consider that there would be unacceptable harm. Given this, these examples do not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on its own merits.
11. For the collective reasons outlined above, the proposed development would be unacceptably harmful to the character and appearance of the area. Therefore, the proposals would be contrary to Policy N1 of The Plan for Stafford Borough

2011-2031 (the Development Plan) which amongst other things, seeks development that takes into account local character, context and landscape features, while also ensuring that car parking is well integrated and discreetly located.

Highways safety

12. The access and parking area is proposed off Newport Road, to create an additional parking area for the property, which operates as a paediatric treatment facility at ground floor and residential accommodation at first floor. The existing parking area is located off Ash Drive and provides off street car parking provision for a number of vehicles.
13. The use of the ground floor as a paediatric treatment facility is likely to generate increased vehicle movements to the appeal property when compared to the residential use which will also continue at first floor of the building.
14. Policy T2 of the Development Plan seeks to ensure that adequate parking facilities are provided for new development, which must, amongst other things, have safe and adequate means of access, egress, and internal circulation, that does not materially impact highway safety or traffic movement and not detract or conflict with the transport function of the road.
15. Newport Road has a 30mph speed limit and the proposed access would be located in between the Prince Avenue and Ash Drive junctions. The proposed access is also located on a bus stop and its associated layby, which the Highway Authority (the HA), advise is used as a timing point stop that requires buses to stop until their designated time of departure. Therefore, there will be certain times when buses will be stationary within the layby for extended periods of time.
16. The proposed access would require vehicles to cross the bus stop and layby in order for vehicles to access the frontage parking area. Therefore, there are likely to be instances when a bus is stopped or parked in the layby, which would prevent vehicles from using the access. In particular, vehicles would likely need to wait on Newport Road until the access is free from obstruction. This would prevent the free flow of traffic on the road and is likely to increase highway safety conflicts.
17. I acknowledge that the business operates on an appointment basis with a maximum of five patients per day and one staff member that resides at the property, operating from 9am to 6pm on Monday to Saturday. However, there are still likely to be instances when buses, parked in the layby, would prevent vehicles using the proposed access and parking area.
18. I accept that should the frontage parking area be obstructed by a bus then the rear parking area could be used by visitors to the property. The HA have confirmed that the rear parking area has an acceptable number of spaces for the change of use and the first-floor residential accommodation. I have no reason to disagree.
19. However, it is clear that the appellants intension is for the new access and parking area to be utilised more frequently than the rear parking area. Therefore, even if I were to accept that the rear parking area would provide a suitable alternative if the proposed frontage access and parking area was obstructed, I am not satisfied, on the evidence before me, that the proposed

access would be suitable and safe and that appropriate management of the parking arrangements at the site would avoid highway safety implications on this part of Newport Road.

20. For the reasons outlined above and on the evidence before me, I find that the proposed new access and parking area would have an unacceptable impact on highway safety. Accordingly, this would conflict with Policy T2 of the Development Plan.
21. The appeal site has an acceptable level of off street car parking provision for the use of the ground floor of the building as a paediatric treatment facility and the first floor as one bedroom residential accommodation. Therefore, insofar as it relates to those uses, it is acceptable in respect of highways safety. It would thereby accord with the aforementioned requirements of Policy T2 of the Development Plan.

Other Matters

Noise and Disturbance

22. The use of the ground floor of the building is likely to increase noise and disturbance to neighbouring occupiers, primarily from increased comings and goings to the property. In particular, the additional trips would increase the frequency of vehicular movements, people entering and leaving the site, and general talking and engine noise. However, the business operates on an appointment basis and the appellant suggests that a maximum of five patients per day would visit the property, with only one staff member that already resides at the property. The business also operates from 9am to 6pm on Monday to Saturday. Therefore, the level of activity, and any subsequent disturbance throughout the day, would not be significant, such that it would lead to an unacceptable effect on living conditions of neighbouring occupiers.
23. I am also mindful that the Council's Environmental Health Officer does not raise objections to the application, but they do recommend a number of conditions. In particular, a restriction on the days and hours of operation, and that the commercial use should be limited to a paediatric treatment facility. Commercial activities should be carried out inside the building only. The suggested conditions would further mitigate the effect of noise and disturbance, on neighbouring occupiers also.
24. I acknowledge that Haughton Parish Council and third parties raise additional concerns relating to increased exhaust fumes from the movement of vehicles, as well as increased overlooking and loss of privacy from visitors to the property. The appellant has sought to address the concerns and has installed a sign on the fence instructing visitors to turn off their engine. The location of the rear parking area and the position and height of boundary fences also prevents any significant overlooking and loss of privacy to neighbouring occupiers.

Special Area of Conservation (SAC)

25. The Council have highlighted in the Delegated Officer Report that the site lies within 15km of the Cannock Chase SAC (the SAC). The SAC is designated for its unique heathland habitat. Adverse effects to the SAC would be as a result of increased recreational activity from visitors, which could have an adverse effect on the integrity of the SAC. Activities such as walking, cycling and horse riding

are popular due to the excellent accessibility via its network of public footpaths, bridleways, and permissive trails.

26. The retained residential accommodation at first floor has a reduced size compared to the previous use as a residential dwelling at ground floor and first floor. Furthermore, the use of the ground floor as a paediatric treatment facility is likely to attract patrons from the local area and is unlikely to then result in associated onward trips to the SAC. Therefore, it is highly probable that the acceptable elements of the appeal scheme would not increase use of the SAC for recreational activities and have a likely significant effect on the qualifying features of the SAC. As such, based on the evidence, I do not consider that an Appropriate Assessment is required in this instance.

Conditions

27. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance (PPG). A time limit condition is not necessary as the use has already been implemented. For similar reasons, a condition stating the approved drawings is not necessary.
28. Conditions to mitigate noise and disturbance are required to ensure that the living conditions of neighbouring occupiers are protected from potential noise and disturbance. The conditions largely reflect those suggested by the Council, including the hours of operation which align with those specified on the original application form. However, for clarity and precision purposes, I have made minor changes, where necessary.

Conclusion

29. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the change of use to a treatment centre at ground floor and the residential use of the first floor retained. Insofar as the appeal relates to the new access, driveway and permeable surfaced hard-standing for parking, I conclude that for the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations 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 this element of the appeal is dismissed.

N Bromley

INSPECTOR