
Appeal Decision

Site visit made on 9 April 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 26TH April 2024

Appeal Ref: APP/R0660/W/23/3334413

Oddies, 149 Edleston Road, Crewe, Cheshire CW2 7HR

- 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 Nino Singh against the decision of Cheshire East Council.
 - The application Ref 23/2426/N, dated 26 June 2023, was refused by notice dated 12 October 2023.
 - The development proposed is a change of use from sui generis to C3.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The amendments of the National Planning Policy Framework were published in December 2023 after the appeal application was determined. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) a community facility and (b) the living standards of the future occupiers.

Reasons

Community Facility

4. The proposed development includes the creation of two 1-bedroom flats formed from the re-use of a bar area which has the characteristics of a public house. Policy REC 5 of the Cheshire East Site Allocations and Development Plan Document (SADPD) seeks to retain, enhance and maintain community facilities that make a positive contribution to the social or cultural life of a community. Paragraph 11.15 of the explanatory text identifies that public houses are one of the facilities important to the communities that they serve and they improve the sustainability of towns, villages and rural areas.
5. Part of the property has already been converted to residential use but it appears from the Relevant History in the Planning Officer's report that the permissions were granted before the adoption of the SADPD and the requirements of Policy REC 5. This appeal is required to be assessed against the relevant development plan policies unless there are other material considerations to the contrary.

6. The appellant claims that the existing business is unviable and has provided Unaudited Accounts for the year ending 30 November 2022. However, this information is in an abbreviated form for a single trading year. Other than general comments about the market conditions for the trading of public houses and reductions in customer numbers, there is very limited information to demonstrate that the current use fails to make a positive contribution to the life of the community and is financially unviable. Accordingly, and in the absence of sufficient evidence, it is concluded that the proposed development would result in the unacceptable loss of a community facility and, as such, it would be contrary to SADPD Policy REC 5.

Living Standards

7. Each of the proposed flats would satisfy floorspace required by the nationally described space standards. However, the *Cheshire East Design Guide Supplementary Planning Document* (SPD) includes guidance which refers to homes being designed to provide sufficient natural light and an outlook from windows for habitable rooms. The bedrooms of the proposed flats would rely upon a rooflight to provide natural daylight and an outlook. The future occupiers would only have an outlook from the bedrooms towards the sky. The external doors serving the bedrooms could include glazing but the outlook would be into an internal corridor which would also not provide direct natural daylight. Accordingly, and although this may have been accepted previously, there is a conflict with the guidance contained in the SPD.
8. By reason of their depth and with the openings only being within the front elevation, it would be difficult for natural daylight to penetrate towards the rear of the combined living and kitchen room of each flat. The ability to judge the degree of potential daylight penetration was observed during the site visit when the artificial lights were turned off. This lack of daylight penetration would particularly be the case where the submitted drawings indicate that an existing wall would be retained and would sub-divide one of these rooms into 2 parts. The retaining wall would materially impede daylight fully penetration to the rear of this room.
9. Reference is made by the appellant to the future occupiers being able to have access to an existing shared external amenity space. However, this is an enclosed space surrounded by the walls of neighbouring buildings, is an area used for the storage of refuse containers and has an external access to the upper floors of the property. The submitted drawings also indicate that cycle parking would encroach into part of the space. This external space would not be of high quality for use as an amenity area for the future occupiers of the appeal scheme.
10. For the reasons given, it is concluded that the proposed development would fail to provide satisfactory living standards for the future occupiers and, as such, it would conflict with SADPD Policies HOU 12 and HOU 13. Amongst other matters, these policies refer to housing schemes providing an appropriate quantity and quality of outdoor private amenity space and development proposals not causing unacceptable harm to the amenities of future occupiers of a proposed development due to loss of sunlight and daylight
11. Policies SE 1, SD 1 and SC 3 of the Cheshire East Local Plan Strategy are not considered to be directly applicable to the appeal scheme because they do not include specific criteria concerning the living conditions of future occupiers.

However, this matter does not outweigh the policy conflict which has been identified.

Other Matters

12. The appellant has referred to the need for affordable rented accommodation but limited evidence has been provided about this specific need in this location. The lack of third party objections has also been noted. However, these other matters do not outweigh the unacceptable harm which has been identified and, accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR