



Appeal Decision

Site visit made on 3 April 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/X3405/W/23/3326888

21 Stafford Road, Cannock, Staffordshire WS11 4AF

- 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 Mr David Andrews against the decision of Cannock Chase District Council.
 - The application Ref is CH/22/0352.
 - The development proposed is Redevelopment of the site to provide 17 room house of multiple occupation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr David Andrew against Cannock Chase District Council. This is the subject of a separate Decision.

Preliminary Matters

3. During the course of the appeal, in December 2023 the government revised the National Planning Policy Framework (the Framework). This now replaces the previous version. However, as any policies in the Framework that are material to this decision have not fundamentally changed, apart from some paragraph numbering, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
4. The appellant has submitted a signed and dated Unilateral Undertaking¹ (UU) to secure payment of a financial contribution to the Council for measures to mitigate the adverse impacts of recreation activities on the integrity of the Cannock Chase Special Area of Conservation. Despite some miscommunication between the parties as to how many dwellings the number of HMO rooms equate to, the Council has no comments to make on the submitted UU and the financial contribution proffered in this instance.

Main Issue

5. The refusal reason refers to the proposal being overdevelopment due to the number of rooms. In light of this, the main issue in this appeal is whether the proposal would provide acceptable living conditions for future occupants with particular regard to internal and external living space.

¹ Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

Reasons

6. The appeal site comprises an existing part two-storey and single storey building that was formerly used as a Royal British Legion Club, and whose footprint occupies most of the site. The building has been vacant for a number of years, is in a state of disrepair and is boarded-up. The site is on a prominent corner with Park Road and Stafford Road. It is well located to Cannock town centre, with the bus station opposite and the railway station within a reasonable walking distance.
7. The proposal would involve demolishing the existing building and, in its place, erecting a part two-storey part single-storey building to provide a House in Multiple Occupation (HMO) with 17 individual rooms, one of which would be occupied by a live-in manager/caretaker. There would be no parking or vehicular access to the site. The adjacent gates and dropped kerb on Park Road lie outside the application site.
8. According to the plans, each of the 17 rooms would have an ensuite shower room and a kitchenette. There would be a communal laundry room on each floor. A separate communal bin store area would be accessed from outside the building via double doors that would be opened from Stafford Road.
9. The Council's Environmental Protection Officer and Private Sector Housing team have no objection in principle to the proposal and find the room sizes would be in accordance with requirements for licensing, although this is a separate control regime from planning. The Council confirms that the Design SPD² has no specific requirements or space standards for HMOs, as it relates to residential dwellings.
10. Nonetheless, whilst residents would have their own small cooking facilities and ensuite shower room, there would be no communal sitting/living/dining areas for residents to use to socialise, watch television or relax together outside of their own rooms. Residents would be confined to their rooms, which would range in size from 14m² to 16.4m², and which would also have to accommodate all of the occupants' personal belongings and furniture as well as provide circulation space.
11. It is not unreasonable to expect the 17 occupants of the HMO to have access to a good standard of communal accommodation in which to mix with fellow residents. Lack of communal areas within the building, even if not needed for cooking, increases the time occupants must spend in their individual bedrooms and this can in turn hinder social cohesion within the property. Social interaction is also important for mental health and well-being.
12. The entrance/exit to the building itself for all residents and visitors would be via a single door at the rear of the building that would open into a yard area. This would be accessed off Park Road and across the open yard that would also be the route to the secure cycle store. The plans also annotate the open yard area as being a 'private smoking area'. This open yard area is the only outside space for residents to use. Smokers would likely congregate in the area and occupants and visitors would have to pass through this area to get to the only entrance/exit door to the building. Not all occupants and visitors might smoke.

² Design Supplementary Planning Document dated April 2016

13. The lack of internal communal space³, the lack of meaningful outside space for occupants to use, and with the outside area also being a smoking area as well as the only route into/out of the building, means that the proposal would result in unsuitable communal facilities for future occupants that would adversely affect their living conditions. Furthermore, the only window serving Room 1 opens onto the open yard beside the only building entrance and smoking area. This would create unsatisfactory living conditions for occupants of this room, especially if they are non-smokers.
14. I appreciate Cannock Park is a short distance walk away and is an attractive green space that could provide future occupants with opportunities for outdoor recreation and general well-being. However, the park does not provide dedicated space for occupants of the proposed development. Some residents may not feel comfortable using off-site public open spaces or want to walk to the park or other places every time they want to sit outside. Thus the proximity of Cannock Park does not compensate for the lack of suitable on-site outdoor space.
15. The Council refers to Appendix B of the Design SPD for minimum garden sizes. A 4+ bedroom dwelling should have 80 sqm of outside garden and flats within communal space should have 30 sqm per flat. However, as already described, these standards relate to dwellings and flats, not HMOs, where occupants have other rooms they can use and hence are not directly relevant. That said, from the plans the size of the open yard area would only be a bit larger than the average bedroom for 17 people to use (albeit not necessarily all at the same time) and which would also double up as the access route to the street and the cycle shed, and the only entrance/exit to the building.
16. In conclusion, the proposed 17-bed HMO would have no internal communal areas and no meaningful communal outside amenity area(s) for occupants to use. Furthermore, the only access to the building and outside space would be through a smoking area. This would result in a poorly considered and designed layout of development that would not provide acceptable living conditions for future occupants. As appropriate internal and external communal areas cannot be provided on site, it follows that the proposal would amount to overdevelopment. Accordingly, the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan. Whilst principally a design-related policy rather than specifically relating to space and living conditions, it does expect development to be, amongst other things, well-related in terms of layout. It would also be contrary to Framework paragraph 135 f) that seeks to ensure developments are designed, amongst other things, to promote health and well-being, and have a high standard of amenity for existing and future users.
17. I am aware of the previous refusals and appeal decisions for HMO proposals on the site, namely a 24-bedroom HMO⁴ and an 18-bedroom HMO⁵. Both appeals were dismissed primarily for the poor design of the buildings and resulting harm that would have on the character and appearance of the area. The appellant has addressed previous issues relating to the appearance, bulk and massing of the building and the Council no longer has concerns about these. I have no reason to take a different view. The other previous reasons for refusal related to parking, the effects on highway safety and crime, and anti-social

³ The shared laundry rooms do not count as communal areas for sitting/relaxing/socialising

⁴ LPA ref: CH/18/0247 & appeal ref: APP/X3405/W/20/3260212 dated 19 January 2021

⁵ LPA ref: CH/20/026 & appeal ref: APP/X3405/W/19/3228451 dated 8 October 2019

behaviour. However, the Inspectors did not find evidence to support these claims and costs were awarded against the Council in the latter appeal.

18. Neither of the previous proposals were refused for the number of bedrooms or for being overdevelopment and having inadequate internal or external space. I have limited details of these previous proposals, but both parties have included some floor plans. The 24-bed HMO had communal kitchen/lounge areas. There was also a main formal entrance to the building directly onto Park Road, and access to the outside smoking area would be via a separate door off a communal kitchen/lounge area or through the open yard. The 18-bed HMO no longer had the main formal entrance, but there would have still been a communal kitchen/dining area as not all rooms had their own kitchenette. Hence the previously refused proposals had different layouts and showed provision of communal areas. Consequently, overdevelopment issues did not arise and renders those proposals sufficiently different to the appeal before me.

Other Matters

19. I have had regard to the nearby Cannock Town Conservation Area (the CA), a designated heritage asset, that lies on the other side of Park Road, and the impact of the proposal on the setting of the CA and the significance of the CA. From the evidence submitted and what I saw on my visit the significance of the CA, in so far as it relates to this appeal, is largely derived from its historic and architectural interest reflecting the economic and social development and growth of Cannock. There is no dispute between the parties that the existing building, which appears to date from the late 1800s, has been altered and extended over time and has little historic and architectural interest in itself or to the contribution it makes to the significance of the nearby CA. The Council considers the demolition of the building and erection of the proposed building would have a positive impact on the setting of the CA, and hence significance of the CA. Based on the submitted evidence and my site visit observations I have no reason to find otherwise. The nearby Grade II listed buildings are sufficient distance away with intervening development and with discrete curtilages such that the appeal site and proposal would not affect their settings or heritage significance. As there would be no harm to the various nearby heritage assets there is no need for me to consider any public benefits.
20. As the appeal is being dismissed for other substantive issues it is not necessary for me to look at the UU.

Planning Balance and Conclusion

21. The proposal would see the effective re-use of previously developed land to provide new housing in an accessible location with good access to Cannock town centre and different modes of public transport and the building would have a positive effect on the character and appearance of the area.
22. Nonetheless, the proposed development would not accord with the development plan as a whole and the material considerations I have identified, although significant, would not outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

K. Stephens
INSPECTOR