
Appeal Decision

Site visit made on 15 April 2024

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/M3455/W/24/3337119
10 Claridge Road Stoke-on-Trent ST4 6EX

- 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 Robert Stone of Ashstone Myers Limited against the decision of Stoke-on-Trent Council.
 - The application Ref 70430, dated 25 October 2023, was refused by notice dated 12 January 2024.
 - The development proposed is described by the appellant as the change of use from House (Class C3) to 8 bedroom HMO (Sui-Generis) together with roof alterations.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council's decision notice refusing permission more particularly described the roof alterations as comprising a hip to gable loft conversion to contain a rear facing dormer and increased height of single storey rear extension. The decision notice also described the proposal as part-retrospective.
4. I attended the site or its environs on two occasions on 15 April 2024: once in the afternoon, accompanied by representatives of the parties, and again, but unaccompanied, at around 22:00 in order to witness the extent and availability of on-street parking in the area.

Main Issues

5. The Council refused permission for two reasons. Although the first reason made reference to the design of the extension I understand there to be no issue taken with its effects on the character or appearance of the host property or of the wider area. Instead the Council's concern relates to the effects on the living conditions of the future occupiers of the property by reason of outlook, natural daylight and the provision of privacy. Therefore the effects on the living conditions of the occupiers of the property constitutes the first main issue in the appeal.
6. The second reason for refusing permission related to highway safety where the concern is that the development would add to on-street parking pressures. The

effects of the development on highway safety therefore constitutes the second main issue in the appeal.

Reasons

7. Although the application form describes a change of use from a Class C3 dwellinghouse to a 'large' HMO, at the time of my accompanied site visit the redevelopment of the property to form a 'small' HMO consisting of six bedrooms was under way. Such a change would potentially be made pursuant to Class C4 of the relevant part of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the 2015 Order') and the appellant describes this as their fallback position, with changes between Classes C3 and C4 amounting to permitted development. At the time of my visit the property consisted of six en-suite rooms over two floors, with a kitchen on the ground floor.
8. The proposal is to create an additional staircase leading to what is now the roof space with the creation of an additional two en-suite rooms above, so resulting in an eight-bedroomed HMO.
9. The Council do not dispute the existence of a six-bedroomed HMO as a fallback position. Although it had not yet been occupied as such at the time of my visit, I consider it to be a realistic starting point for consideration of the appeal, especially given the appellant's expressed intention to put the property to such a use if the present appeal is dismissed. Works have not yet begun to convert the property to having more than six (single) bedrooms and thus the permitted development right to make the change to Class C4 has not been lost. This, rather than the former use as a single family dwellinghouse in Class C3, therefore provides the context for my consideration of the appeal.

Effect on living conditions

10. The Council take issue with a number of aspects of the proposal that, given the fallback position described above, are going to arise in any event. These include the proximity of the window of the front ground floor bedroom to the street, with potential effects on the privacy of that occupier, and the proximity of the boundary treatment to the window of the rear ground floor bedroom, potentially affecting the outlook of that occupier. The proposed addition of two bedrooms would not add to the harm that might otherwise be experienced in respect of these matters.
11. The principal differences arising from the addition of two more bedrooms are going to be that the kitchen/dining room will be shared by more people; that more of the garden area may need to be given over to bin or cycle storage thus affecting the available communal space; and that an increased number of occupiers using the kitchen and the garden area potentially adds to the privacy and noise concerns arising in respect of the rear two ground floor bedrooms. Additionally the Council raise concerns in respect of the outlook from one of the two proposed upper floor rooms.
12. No local standards apply as such, although I am referred to the Council's 'Amenity Standards for Houses in Multiple Occupation' of 2021 which is produced by the Council in its capacity as the relevant licensing authority. The requirement there that all bedrooms be at least 6.51 sqm appears to be met. The document advises that a set of kitchen facilities is provided for every five

occupants. Here, there is a single kitchen although it contains two sets of facilities (ovens, hobs, fridge-freezers and washer-dryers). The Council calculate the kitchen area to be 25 sqm. In itself this is ample although the lack of a dining area is concerning. At the time of my visit it was suggested that one of the countertops was to be a 'breakfast bar' although the cupboards underneath it indicated its lack of suitability. A space exists where a sofa is intended to be, although this could be used as dining space.

13. The 'Amenity Standards' document suggests that a communal living area of 11 sqm for up to five occupants be provided (or 18 sqm where a combined kitchen and living area) although it caveats this advice by reference to the sizes of the bedrooms. There is no overarching requirement to provide a shared living space if the bedrooms are of a sufficient size. The bedrooms each appear to be at least 50% larger than the minimum requirement of 6.51 sqm, which does not indicate that a shared living area is required.
14. The document suggests that bedrooms are preferably not more than one floor away from the kitchen, although this is not an absolute requirement and if the dining area is suitable then it is less of a concern. It requires that satisfactory arrangements are made for the disposal of refuse: arrangements for any bin storage are not depicted on plans although there is adequate external space for them to be provided.
15. Two of the ground floor bedrooms would be situated adjacent to the kitchen and overlooking the garden area. I accept the Council's position that this is less than desirable, but I also accept the appellant's position that this is going to be the case whatever the outcome of the appeal. The creation of two additional bedrooms in the roof would increase the likely amount of traffic in the kitchen and the garden, but against a fallback position of a six-bedroomed HMO I do not consider that unacceptable extra disturbance would result.
16. The front upper floor room would have natural light provided by way of an obscure glazed window to the side and velux rooflights to the front. There is some uncertainty as to the height of the rooflights, with the elevation drawings suggesting they will be around 2m from the eaves but the floor plan showing them to be bisected by a line depicting 1.5m head height from the floor. As no section drawings are provided, the floor height is not shown. The appellant states the window is at a height of 1.7m. It is unclear which part of the window is being referred to, but at this height (or even at 1.5m) the room would not have a reasonable outlook, as required by the Urban Design Guide, because at the least it would be necessary for the occupier to be standing in order to have any view out of the window. Concomitant with this uncertainty, it is also unclear how much headroom is available to the occupant of that room.
17. The Urban Design Guide provides that developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers. The appropriate size of private external space to be provided for each dwelling should be determined in relation to the provision and location of local open spaces.
18. The Council has calculated the garden area to be 54 sqm and, out of this, some space will be needed for bin storage and a bicycle rack. A passageway leads down the western side of the house to the garden area from the street, with additional access taken from the kitchen. The garden area left available would

be sufficient for some sitting out space and for a washing line. Public recreational space at Basford and Hartshill Parks each lie within a reasonable walking distance from the property.

19. On balance, given that the property is likely to be occupied by adults engaged in work or studying, and that recreational spaces lie close by without, in the case of Hartshill Park, the need to cross any main roads, the outdoor space provided would be sufficient to enable an adequate standard of living for the property's occupants in this regard. Whilst the question of bin storage and cycle racks have not been built into the scheme design, as exhorted by the Urban Design Guide, there is sufficient space in the rear garden to allow for these facilities away from the street frontage and for the convenient use by the property's occupants.
20. On this issue I therefore conclude that many of the effects of the conversion of the property to an eight-bedroomed HMO would be no worse, in terms of providing satisfactory living standards, than the six-bedroomed HMO that is under preparation. However I am unable to be satisfied that the outlook from the upper front room would be satisfactory, thus contravening the Urban Design Guide and the requirement of Core Strategy policy CSP1 to provide attractive developments.

Effects on highway safety

21. Paragraph 115 of the National Planning Policy Framework ('the Framework') provides that development should only be refused where an unacceptable impact on highway safety would arise, or if the residual cumulative impacts on the road network would be severe. Within this context, applications for development should create safe places that minimise the scope for conflicts between highway users. Local Plan policy SP3 carries the principle of increasing the safety of travel, and section PR3 of the Council's Urban Design Guidance requires that streets should be safe to use.
22. No parking standards are given, but the local highway authority expresses concern that the appellant has not described how future residents would be discouraged from using private cars, which would all require on-street parking provision. The appellants refer to research elsewhere showing that car use by the occupants of HMOs is relatively low, and point too to the provision of frequent public transport options nearby as well as to the site's location near to shops and services. I note too that it lies within walking distance of the hospital which is a potential source of employment for the occupants of the development.
23. The research referred to by the appellants notes that the sub sample there of non-student HMO households was very small (only 60) and thus statistically less reliable. It did not state whether any of those HMOs were subject to planning conditions or obligations requiring travel plans or restricting car use. It found it observable that the number of cars parked in areas with higher concentrations of HMOs had increased, although referred to Departmental research of 2007 concluding that no net increase in parking demand for an HMO should be assumed above that of a family home.
24. It is difficult to reach any meaningful conclusions here on the basis of this research, which was carried out in a city where the vast majority of HMOs were student households. Whilst occupation by students is a possibility here, the

proposal is not put forward on that restricted basis, and the site is not particularly close to the nearby universities. Thus a conversion to a six-bedroomed HMO may be likely to increase the demand for parking to some extent, and it follows that any such increase is likely to be exacerbated by a change to an eight-bedroomed HMO.

25. The appeal site lies on a residential road where the houses on it and the surrounding streets of Lansdowne Road, Victoria Street and Stoke Old Road are largely reliant on roadside parking, with few domestic garages or off-street driveways especially towards the western end. At the time of both my visits I witnessed on-street parking on both sides of these roads, leaving sufficient room for a single car to pass between but at a separation distance that would be likely to hinder some emergency services vehicles.
26. There were some vacant spaces on the surrounding streets on both occasions, although mainly to the eastern end and not immediately outside the appeal site, which is presently (or was then) unoccupied. There were not sufficient vacant spaces to have enabled parking only on one side of the road. Being residential streets, traffic speeds were low, but a meeting of vehicles towards the western end of either Lansdowne Road or Claridge Street would be likely to mean one of them having to reverse, potentially with limited visibility onto the much busier Victoria Street in order to allow passing. This likelihood would be made greater if the appeal proposal were to proceed, because of the small but likely increase in car usage associated with the proposal.
27. Thus I concur with the local highway authority that in the absence of any explanation about how the use of cars by the occupants of the property could be restricted, the amount of on-street car parking would be likely to increase. This in turn would further compromise the safe two-way operation of the road by vehicles, which does not provide an acceptable highway safety outcome.

Conclusion

28. For the above reasons I find that the conversion of the property to an eight-bedroomed HMO would be contrary to the provisions of the development plan for the area and that no material considerations exist which would lead me to a different view. In particular I do not find that the benefit of creating an additional bedroom outweighs the shortcomings in the outlook available to the occupant of the front upper floor room. Although there is no objection raised by the Council to the operational development aspects of the proposal, namely the roof works, there is no suggestion that I should issue a split decision. Therefore I dismiss the appeal.

Laura Renaudon

INSPECTOR