

Appeal Decision

Site visit made on 17 September 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/M3455/W/24/3345184

Vacant site on the corner of St John Street and Jervis Street, 388729 347974

- 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 Grid Set Construction Ltd against the decision of Stoke-on-Trent City Council.
 - The application Ref is 70590/FUL.
 - The development proposed is the erection of 5 no. apartments, including bin store, cycle store, amenity space and other associated works to facilitate the development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The living conditions of future occupiers; and,
 - The character and appearance of the surrounding area.

Reasons

Living Conditions

3. The appeal site comprises an undeveloped portion of land at the end of a terrace of dwellings serving St John Street. It sits at the junction between St John Street and Jervis Street. To the rear of the site is a narrow lane serving the rear of the nearby terraces. The proposal would provide 5 new apartments across three floors, the two ground-floor units would be accessed on the front while the remaining three units would be accessed via the shared amenity space to the rear of the building.
4. Bedrooms are typically quieter rooms that are more sensitive to nearby noises and disturbances. The proposed bedrooms serving apartments 1 and 2 are located at the back of the property adjacent to the rear access and shared amenity space. The windows serving these bedrooms look out on to the amenity space and the bedroom window for apartment 1 would be close to the backdoor. The bedrooms also share walls with the internal stairwell, and

their ceilings serve as the floors for the hallways and kitchen/living/dining rooms for apartments 3 and 4.

5. I consider the spaces noted above to have the potential to collectively generate substantial levels of noise from the coming and going of residents and visitors, and the social use of the amenity space and upstairs flats. Especially at night, this noise would be audible and disruptive to the future occupiers of apartments 1 and 2 to the detriment of their living conditions.
6. The bedroom window serving apartment 1 would provide a clear view from the shared amenity space into the bedroom and would be passed by those using the backdoor. Future occupiers would therefore experience a poor level of privacy within the bedroom, and it is likely that they would feel required to keep the window and curtains shut. Whilst this may reduce the impact of external noise and the loss of privacy, it would also result in a dark and poorly ventilated room which would need to be illuminated by artificial light.
7. The shared amenity space is proposed to wrap around the outrigger and extend up to the rear of apartment 2. A planting symbol is shown on the submitted plans suggesting that this area would be planted and so not readily accessible for future occupiers. I consider that such planting would somewhat reduce the impact of noise and loss of privacy on the occupiers at apartment 2 but that it would not be sufficient to mitigate the harms outlined above completely.
8. I cannot be certain from the information before me that any additional sound proofing would be sufficient to appropriately mitigate the above effects. I cannot, therefore, conclude that the securing of sound proofing techniques via a condition would be appropriate.
9. Apartment 5 would be set within the roof of the building and would be served by 5 rooflights and a window in the side wall. I consider that the height, scale and positioning of the window and rooflights would be sufficient to provide a good standard of outlook and light to the bedroom and kitchen/living/dining room. I understand that the rooflights and windows are openable and therefore find that they could be used to provide a suitable level of ventilation for future occupiers. The future occupiers of this apartment would, therefore, be provided with a good standard of living conditions.
10. Given their size, the proposed flats could accommodate couples and so the building could be occupied by up to 10 people. Even if only occupied by a single person to each flat, the occupiers of each flat are unlikely to be known to each other. Mindful of this, and that the outside space may also be used by guests, I find that it would not be sufficient to provide a pleasant environment. This would be especially so given the indicative planting proposed to protect the living conditions of apartment 2 would reduce this space. Although the appellant states that the neighbouring gardens are smaller than that proposed here, given the nature of the development I find that this comparison is not meaningful.
11. In light of the above, the proposed development would not provide a suitable standard of living conditions for future occupiers. It would therefore conflict with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (the CSS) which requires development contribute

positively to healthy lifestyles. The proposal would also conflict with the National Planning Policy Framework (the Framework) which, under Paragraph 135, requires developments to create places that promote well-being and a high standard of amenity for future users.

Character and Appearance

12. As noted above the appeal site sits at the end of a terrace of dwellings and would make use of a currently undeveloped section of land to build a block of five flats. The surrounding area is characterised by long terraces of two-storey dwellings that, although not uniform, are similar in scale, form and design.
13. The proposed building has taken cues from the surrounding area with regard to its form, scale and appearance. Particularly from the front elevation, the building would read as a more modern continuation of the existing terrace of dwellings. Although the windows on the frontage are clearly different to those of the adjoining properties, I do not find this to be unacceptable. Similarly whilst the roof height would be greater than that of the adjoining property, I note other buildings in the terrace are also taller, and so this height is not incongruous. The proposed building, in views from the front, would be sympathetic to the wider street scene.
14. Although I note the Council's concerns about the largely blank side elevation, facing on to Jervis Street, these are not uncommon within the surrounding area. The existing terrace does already end in a blank elevation and so the proposal would at the very least be replicating this. Although I note some terraces wrapping around corners with active frontages on both sides, the proposal does not need to replicate these to be sympathetic.
15. Similarly, whilst the rear outrigger does not completely replicate the form, scale or appearance of those associated with the surrounding terraces, it is comparable and sympathetic to them. As with the design of the front elevation, I consider the outrigger to be a modern interpretation rather than a poor pastiche.
16. In light of the above the proposal would not unacceptably affect the character and appearance of the surrounding area. It would therefore comply with CSS Policy CSP1 which seeks developments to respect and promote the distinctive identity of their surroundings. It would also comply with the design and appearance aims of the Framework, including that developments be sympathetic to local character and history.

Other Matters

17. Whilst the Council have referred to Point R23 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance, as this refers to extensions to dwellings, I do not find it to be particularly relevant to the matters upon which this appeal turns.
18. I note the site is currently unused and somewhat overgrown, I am also mindful of the appellant's concerns that there is a potential for it to attract anti-social behaviour and fly tipping. However, I have not been provided with any substantive evidence to demonstrate the site is affected by either fly tipping or anti-social behaviour. This matter has not, therefore, been determinative in my considerations.

Planning Balance and Conclusion

19. The Government's objective is to significantly boost the supply of housing and the proposal would provide five new dwellings in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.
20. Conversely, the proposal would harm the living conditions of future occupiers and would conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
21. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR