



Appeal Decision

Site visit made on 28 January 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/K3415/W/24/3346998

1 Bore Street, Lichfield, Staffordshire WS13 6LJ

- 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 Chris Smith against the decision of Lichfield District Council.
 - The application Ref is 24/00210/FUL.
 - The development proposed is described as retention of conversion of part of first floor area to 2No. flats (ancillary use of shop unit).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revision to the National Planning Policy Framework (the Framework) was published on 12 December 2024 and the main parties were given an opportunity to comment on the effect of the revision on the appeal.

Main Issues

3. The main issues are whether the proposal:
 - provides a satisfactory living environment for occupiers; and
 - makes adequate provision for cycle storage.

Reasons

Living environment

4. The appeal site comprises the first floor above a restaurant. The site is located in the centre of Lichfield which accommodates a variety of retail uses, restaurants, hot food takeaways and drinking establishments. I noted at my mid-morning weekday site visit that within the appeal site there was a moderate background noise level from traffic on surrounding roads. I acknowledge that this is a snapshot in time and that at other times the background noise level may be different.
5. The development is for the conversion of part of the first floor to form 2 self-contained studio flats. The council raise concerns that the gross internal areas of the flats, at approximately 24.4 m² and 29.1m², would conflict with the minimum floor space for a one bedroom unit set down in the Government's Technical housing standards – nationally described space standard (National Standards) which set down that one bedroom units should have a minimum gross internal floor area of 39m² (or 37m² where a shower room is provided instead of a bathroom).

6. The appellant suggests that the National Standards contain no specific reference to studio flat accommodation and thus are not applicable to the proposal. Additionally, reference is made to the Framework, which advises that policies may make use of National Standards where the need for an internal space standard can be justified and that it is up to each local authority to make the case for applying the standard through their local plan. The Council has not referred to any specific requirements or standards for internal floor space requirements set down in development plan policies.
7. The studio flats would have to accommodate all of the occupants' personal belongings, as well as a bed, an area within which to sit and eat or relax, a kitchen and circulation space. Even if it were the case that the National Standards are not applicable to the proposal, on the basis of the submitted plans and my observations on site, the units are not large enough to comfortably cater for all of the occupants' day to day activities and living needs and are cramped to the extent that satisfactory living conditions for occupiers are not provided.
8. Both flats are provided with adequate natural light. However, high-level windows provide no outlook, which makes the rooms unpleasant, oppressive spaces in which to spend time. Additionally, the layout provides no private amenity space for either unit. The development therefore lacks any suitable private space for access to daylight and fresh air and activities such as drying washing and growing plants. Even if nearby public parks served to meet some recreational needs of occupants, they would not compensate for the lack of private amenity space.
9. The proposal is not supported by a noise survey. Given this there is no evidence that noise from the highway and associated with patrons arriving and leaving nearby establishments would not be readily audible from inside the flats, particularly if windows were open. Additionally, as the flats are accessed from the same corridor as the storeroom and staff room to the ground floor unit, further disturbance would arise from staff members accessing and using these rooms. During quieter evening times, when residents would expect respite from such activities, this disturbance would be of detriment to the living conditions of the occupants of the flats. Whilst it is suggested that windows could be upgraded to block out external noise, there is no substantive evidence before me which demonstrates that these upgrades would achieve satisfactory internal noise levels, and in any case, this would fail to address disturbance from workers accessing and using the storeroom and staff room.
10. The development fails to provide satisfactory living conditions for the occupiers of the flats. Conflict therefore arises with those aims of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy (2015) (LPS), which seek to protect the amenity of residents and improve their overall quality of life through the provision of appropriate infrastructure, services and facilities.

Cycle storage

11. The Sustainable Design Supplementary Planning Document (2015) (SPD) sets out a requirement for the provision of one cycle space per flat. Whilst it is stated that the appellant is amenable to making provision for cycle storage, the proposal does not include any cycle storage. Given this, the proposal fails to make provision for adequate secure cycle storage for occupiers to encourage travel by sustainable means. It would therefore be contrary to those aims of LPS Core Policies 3 and 5

and Policy ST2 which seek to ensure that development reduces the need to travel and encourages and optimises alternative means of travel. Conflict also arises with those aims of the SPD as set out above.

Other Matters

12. The appeal site is within the Zone of Influence for the Cannock Chase Special Area of Conservation (SAC) in which proposals including a net gain in residential development have the potential to give rise to significant effects (either alone, or in combination with other proposals). As I have found harm in relation to the main issues it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SAC.
13. The appeal site is located near to a number of listed buildings¹ and statute requires that I pay special regard to the desirability of preserving a listed building or its setting². There is no indication that the appeal site has any form of historic significance in association with these buildings. The proposal does not involve any external alterations, and I am satisfied that the development preserves the setting of these listed buildings.
14. The proposal would contribute towards the Government's aims of boosting the supply of housing, as set out in the Framework, in an accessible location and would provide support to the local economy. Overall, such benefits would not outweigh the harm and associated policy conflicts that I have identified.

Conclusion

15. For the reasons given above the appeal should be dismissed.

N Robinson

INSPECTOR

¹ 1 Bird Street, 4 Bore Steet, 8 Bore Steet, 10 Bore Street, Lichfield College and Lichfield, 9 and 11 St John.

² Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990