



Appeal Decision

Site visit made on 3 June 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/M3455/W/25/3359717

Land at Fell Street, Smallthorne, Stoke-on-Trent ST6 1JT

- 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. Cusack against the decision of Stoke-on-Trent City Council.
 - The application Ref is 71619/FUL.
 - The development proposed is 7 Houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site in the banner heading above is taken from the appeal form rather than the application form as it is a more accurate and comprehensive description of the location.
3. The plans and supporting information submitted with the application appear to contain conflicting and contradictory information regarding the proposed development. In particular, while the proposed development, as shown on the front and rear elevations plan, reference SK04 revision A, is misleading, the other plans appear accurate and show the proposed development. As such, I have determined the appeal on the submitted plans before me.
4. The Council's first reason for refusal does not refer to any relevant development plan policies. Instead, it cites concerns about the standard of the submitted plans. Nonetheless, even though the Council's delegated officer report focuses on the standard of the plans, there are associated concerns about the design of the proposed development and its effect on the character and appearance of the area, listing relevant policies of the development plan. Accordingly, I have dealt with the appeal on this basis, identifying the main issues based on the totality of the written evidence before me.
5. Likewise, the Council's third reason for refusal, which relates to highways impacts, servicing and parking arrangements, does not cite any relevant development plan policies. Therefore, I shall consider this matter in accordance with the requirements of the National Planning Policy Framework (the Framework).

Main Issues

6. Given the foregoing, the main issues raised by this appeal are:
 - the effect of the proposed development on the character and appearance of the area;

- whether or not adequate living conditions would be created for future occupants of the proposed development, with reference to noise; and
- the effect of the proposed development on highway safety, with regard to parking.

Reasons

Character and appearance

7. The appeal site comprises a sizable area of undeveloped land along Fell Street, at its junction with Camp Road, and close to the junction with the B5051, Ford Green Road. The street is characterised by terrace properties on both sides of the road, which reflects the wider pattern of development spurring off Ford Green Road. The surrounding area includes a mix of residential and commercial buildings, which is reflective of its location within a busy urban environment.
8. The proposed development is for a block of seven dwellings that would front the road. The dwellings would have a two-storey height and would be located at the back of the footway, which would largely correspond with the existing terrace properties along the road. However, although not reflected on the front and rear elevation plan, the two end properties, close to the junction with Camp Road, would have a stepped front building line.
9. While the staggered building line would be relatively subtle, it would be unusual within the context of the uniform and consistent building line of other terrace properties along the road, particularly those beyond the Camp Road junction. The stepped building line would also convey a cramped appearance, which would sit uncomfortably within the street scene. Consequently, the proposal would be discordant.
10. Each of the proposed dwellings would have a rear garden with ample room for bin storage arrangements so that waste bins can be kept off the street and not result in visual harm.
11. For the above reasons, I conclude that the proposed development is harmful to the character and appearance of the area. Therefore, it fails to accord with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, 2009 (CSS), which, amongst other things, requires development to be well-designed and respect the character and context of the area.

Living conditions

12. The appeal site is located along a residential street within a busy urban area, near to main roads, a public car park and commercial premises. Within this context, the future occupiers of the proposed dwellings would be susceptible to noise from the surrounding environment.
13. Policy CSP1 of the CSS requires development to contribute positively to healthy lifestyles. This is consistent with paragraph 135 of the Framework which requires developments to ensure a high standard of amenity for existing and future users. Furthermore, paragraph 198 of the Framework advises that new development should be appropriate for its location taking into account the likely effects of pollution on health and quality of life.

14. Despite Fell Street being a residential street, part of the proposed development would be located immediately adjacent to the public car park and near to the main road. Indeed, during my site visit, while only a snapshot in time, the car park was full and there was a steady flow of traffic along Ford Green Road, including lorries travelling up the hill towards the roundabouts at the top. Therefore, reasonable levels of background noise were audible from the appeal site, which is likely to be consistent throughout the day and at night.
15. The proposed dwellings would have habitable room windows in the front and rear elevations and the appellant suggests that a planning condition could secure triple glazing and mechanical ventilation systems, to effectively attenuate noise. However, without any quantitative noise assessment before me to substantiate that, I am not persuaded it would be the case. Particularly, during times when future occupiers are likely to be sleeping.
16. Additionally, some of the gardens of the proposed dwellings, although located at the rear, would be in close proximity to the public car park and the main road. Without a noise assessment I have no objective means of quantifying the noise impacts of the surrounding environment within the rear gardens and what, if any, mitigation is necessary. Accordingly, I cannot be satisfied that the rear gardens would provide acceptable outdoor amenity space for future occupiers of the development.
17. Construction works are also likely to generate noise and disturbance to residential properties. However, the construction period, for a development of this size, would be for a relatively short duration. In addition, construction hours could be restricted by a suitably worded planning condition to avoid harm to the living conditions of neighbouring properties.
18. For the above reasons and on the evidence before me, I conclude that adequate living conditions would not be created for future occupants of the proposed development, with reference to noise. It would thereby conflict with Policy CSP1 of the CSS and the aims of the Framework.

Highways

19. Fell Street and the surrounding roads largely comprise terrace residential streets and parking on the street and surrounding roads is commonplace. Due to the narrowness of the roads, on street parking is largely restricted to one side of the road, to allow other vehicles to pass. This would continue to be the case should the proposed development proceed.
20. The appeal scheme does not propose any car parking, and it is inevitable that seven additional, two-bedroom dwellings would generate an increased demand for on street parking within the vicinity of the site.
21. The appeal is supported by a Highway Technical Note (the HTN) and includes a Parking Beat Survey (the survey). The survey was carried out within a 200 metre walk distance from the site, over two weeknights and the results suggest that approximately 78 parking spaces were available, which equates to 40% of all on-street parking spaces.

22. I also observed the parking situation on Fell Street and the area in the vicinity of the appeal site during my site visit. At that time there was a good level of on street parking availability close to the appeal site and on neighbouring streets.
23. As such, even though the HTN does not identify where the spaces are available, there is little substantive evidence to demonstrate that existing on-street parking has reached saturation point or that the proposal would cause highway safety implications along the road or on surrounding streets.
24. There is also a public car park next to the appeal site and even though it is likely to be well utilised during the day and at night, it does provide additional off street car parking opportunities.
25. Furthermore, the site is located in a sustainable urban area, with services and amenities within easy walking distance. There are also bus stops on the main road and the location of the proposed development would encourage the use of public transport and promote walking and cycling. Indeed, the rear gardens would provide provision for cycle storage and would further encourage sustainable modes of travel, avoiding the reliance on private cars. Therefore, in the context of the development proposed, and its location, the parking arrangements would be an acceptable design solution.
26. I acknowledge the concerns regarding construction works and the effect on highways safety. However, as detailed previously, the construction phase for a development of this size would be for a relatively short period of time. A construction management plan could also be secured by a suitably worded planning condition which would ensure that highway safety and parking implications are managed and mitigated.
27. Consequently, for the reasons given, I conclude that the proposed development would not cause an unacceptable impact on highway safety, with particular regard to parking. As such, it would accord with the objectives of the Framework, which sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

28. The provision of seven dwellings, in an accessible urban area, with good links to public transport opportunities, would contribute to boosting the supply of housing, as referenced in the Framework. The development could also be delivered relatively quickly due to it representing a small site. It would also develop a vacant and unkempt piece of land that seeks to contribute to the vibrancy and sustainability of the local community. There would be social and economic benefits to local services during the construction and occupancy phases of the development also. Nonetheless, it is likely that the above benefits would be fairly modest in the context of a development for seven houses, thereby attracting moderate weight.
29. Taking the above matters into consideration, the benefits would not outweigh the identified harm that would be caused to the character and appearance of the area, and the harm caused to the living conditions of future occupiers. Although there would be no harm to highway safety, the proposed development would conflict with policies contained within the development plan as a whole. I have found no other material circumstances that would outweigh that conflict.

30. I acknowledge the appellants comments with regard to the Council's handling of the planning application. Nevertheless, I confirm that I have considered the proposed development on its planning merits.
31. An interested party has raised concerns about the suitability of the land for redevelopment due to the site being on a coal field. The main parties have not indicated whether the site is in the Development High Risk Area or not. As I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

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

N Bromley

INSPECTOR