



Appeal Decision

Site visit made on 5 September 2025

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/M3455/W/25/3366105

247 - 249 London Road Stoke on Trent Staffordshire

- 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 Mrs D Bird against the decision of Stoke on Trent City Council.
 - The application Ref is 71788.
 - The development proposed is Change of use of the ground floor to two retail units (Use Class E(a)), change of use of part of the ground floor and first floor to four self-contained apartments (Use Class C3) alongside elevational alterations.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of the ground floor to two retail units (Use Class E(a)), change of use of part of the ground floor and first floor to four self-contained apartments (Use Class C3) alongside elevational alterations at 247 - 249, London Road, Stoke-on-Trent, ST4 5AA in accordance with the terms of the application, Ref 71788 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby approved shall begin within three years of the date of this decision.
 - 2) The development hereby permitted shall be completed in accordance with the following approved plans: 01395 AL(0) 20 Rev C; 01395 AL(0) 21 Rev D; 01395 AL(0) 22 Rev A; 01395 AL(0) 24 Rev C; 01395 AL(0) 25 Rev C; 01395 AL(0) 26 Rev -.
 - 3) Notwithstanding the drawings approved by condition 2 of this permission, a scheme for the installation of rooflights to Units 1 and 2 shall prior to the first occupation of Units 1 and 2 of the development hereby approved, be submitted to, and approved in writing by, the local planning authority. The scheme shall demonstrate how the rooflights may be readily opened by an occupier standing at normal floor level and be of sufficient size to admit sunlight when available in the south-western sky. The development shall be completed in accordance with the approved details.
 - 4) Notwithstanding the drawings approved by condition 2 of this permission, a scheme for hard and soft landscaping of the outdoor space together with screening and fencing measures shall prior to the first occupation of Units 1 and

2 of the development hereby approved, be submitted to, and approved in writing by, the local planning authority. The development shall be completed, and thereafter maintained, in accordance with the approved details.

Preliminary Matter

2. The appellant has submitted revised plans with the appeal which I have considered and conclude that no third party rights would be harmed by accepting these plans as a minor revision to the proposal and I have therefore taken these into account.

Main Issue

3. The main issue is the whether the development would provide acceptable living conditions for occupiers.

Reasons

4. The appeal site is a pair of two storey buildings in commercial use fronting London Road (Nos.247 & 249) and at the rear, set each side of a small rear courtyard that is itself accessed from a short service lane connecting two side roads. The proposal would insert four flats above two retained retail units (units 3 & 4) in the frontal terrace block and in the rear outshoot to No.249 two duplex units (Units 1&2), the latter being accessed directly from the rear courtyard space.
5. Although the outlook from units 1 & 2 is constrained by the proximity of the rear outshoot to No.247, their inverted duplex layout, with the main living spaces units being on the upper level, mitigates this concern as a substantial area of open sky would be visible above the opposing roof surface albeit with little direct access to sunlight due to the north-easterly outlook. The proposal originally suggested rooflights would also be let into the roof surface above these windows to increase daylight provision. These would not improve access to sunlight within the dwelling due to orientation, however the amended plans submitted by the appellant show rooflights on the south-westerly slope of the dual-pitched roof to the outshoot. These would, if of sufficient size and readily accessible, provide good access to sunlight and opportunity for good ventilation. The revised plans also address a number of other concerns such as the provision of outdoor amenity space.
6. The ground floor bedrooms of these units would have a very limited outlook towards the opposing wall, around 3.6m distant. I consider that outlook from a bedroom at ground level is of less importance than privacy, security and access to fresh air and in that regard the appellant proposes planting areas albeit with little further information as to how a defensible space outside these windows would be created. Although the Council refer to acoustic separation of the units, no specific requirements have been suggested, and such would usually be a matter addressed by other regulatory control.
7. Overall, subject to the application of suitably worded conditions to ensure the rooflights are of an adequate size and readily openable; that the detailing of enclosures to the site provide a secure outdoor space with genuinely defensible space adjacent to ground floor bedroom windows I conclude that the proposed development would provide suitable levels of amenity for occupiers and presents no conflict with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies R15 and R19 Urban Design Guidance

SPD (2010). Consequently, subject to the conditions I outline above and the usual timing and plans conditions, the appeal succeeds.

Andrew Boughton

INSPECTOR