



## Appeal Decision

Site visit made on 13 September 2022

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> October 2022

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**Appeal Ref: APP/H0738/W/22/3301913**

**2 Stranton Street, Thornaby, Stockton-on-Tees TS17 6LL**

- 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 Electworld Limited against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 22/0523/COU, dated 27 February 2022, was refused by notice dated 6 May 2022.
  - The development proposed is Change of Use from 1no dwelling to 2no self-contained flats to include the provision of a new access door to the side.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the Council's description. Although no change was agreed, it is shorter, more succinct and adequately describes the development.

### Main Issues

3. The main issues are the effects of the proposed development on:
  - the living conditions for future occupants, with regard to internal and external space; and
  - the residential character of the surrounding locality.

### Reasons

#### *Living Conditions*

4. The appeal property is an end terrace dwelling situated on Stranton Street and Victoria Road. It is a modest sized dwelling, marginally larger than other terraces in the row, and has a small rear yard. There are flatted developments within the area, including opposite the appeal site. However, Stranton Street appeared to contain more single dwellings. The appeal proposal provides a flat a ground floor and first floor. The proposed first floor flat would have a larger bedroom than the proposed ground floor flat. The plans show both flats as having double beds, therefore it is reasonable to expect them both to be used as such, particularly given their size.
5. The Council has relied on the Technical Housing Standards (THS) within the Nationally Described Space Standards (NDSS). However, these are not embedded within the Stockton-on-Tees Local Plan 2019 (Local Plan) Policy

SD8. Nevertheless, they do provide an objective assessment in relation to internal space, which is supported by the National Planning Policy Framework (the Framework) and the Council has justified their use in relation to this policy in respect of ensuring that occupants have sufficient living space. As such I afford the NDSS significant weight.

6. The NDSS require 50m<sup>1</sup> Gross Internal Area (GIA) for one-bedroom two-person accommodation (1b-2p). It is not clear from the evidence how the ground floor flat at 53m<sup>2</sup> does not fulfil the THS for a 1b-2p flat. This flat would have a separate living room, kitchen and bathroom, storage, and access onto the rear yard. As such, I do not find its internal space or layout would be unduly cramped for future occupiers.
7. The first floor flat would not meet the overall GIA required across the accommodation, for a 1b-2p flat. Notwithstanding the shortfall, compared to the NDSS, the accommodation within the first-floor flat kitchen/living room would be constrained by the shower room, which would project into it thus creating awkward proportions. Therefore, as well as being objectively below the NDSS requirements, the accommodation would also likely feel cramped and inflexible for furnishing.
8. The yard space could be accessed by the ground floor flat, whose kitchen and bathroom window look out on to it. Due to the lack of direct access to the yard, first floor occupiers would only be able to access the rear space via Victoria Road. Whilst not far, it would be inconvenient to use the public street to access it. Furthermore, it would be particularly inconvenient given the proximity of bathroom and kitchen windows for the proposed ground floor flat, which would directly look out on to the modest space. Therefore, it is unlikely to be suitable for occupiers of the first floor flat. I do note the presence of the nearby park on Victoria Road and consider this would be able to be used by future occupiers for recreation but does not remove the need for private outdoor space.
9. Although I consider that proposed living conditions would be to an acceptable standard for the occupiers of the ground floor flat, the appeal proposal would not provide appropriate living conditions for the occupiers of the first floor flat with regard to internal and external space. The appeal proposal would be contrary to Local Plan Policy SD8, where it requires new development to respond positively to the amenity of all existing and future occupants of land and buildings. It would also fail to fulfil the requirements of the Council's High-Density Development: Flats and Apartments (2005) Supplementary Planning Guidance 4 (SPG4). This requires the provision of outdoor space for future occupants. The proposal would also conflict with the guidance within paragraph 130 of the Framework, including footnote 49<sup>1</sup>, which states decisions should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

### *Residential Character*

10. The area is predominantly residential in appearance with rows of similar terraced housing. The conversion to two single bedroom flats would result in

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<sup>1</sup> 49 Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

the loss of small family sized accommodation. The proposal, to split the existing dwelling into two, would not harm the character and appearance of the area given the limited external alterations which are proposed.

11. The Council's concerns stem from the effect a concentration of flats would have on the character of the area. There are also concerns that such a proposal would set a precedent for similar developments in this street. As previously noted, there is flats accommodation opposite the appeal site on Stranton Street, and my attention has also been drawn to 2 further flats within nearby corner properties above retail units. It was not possible, from my site visit, to note if any other dwellings are split into flat accommodation, as this could be done with minimal external changes, however, the area did not appear to have a concentration of such accommodation, and evidence has not been provided in this instance, which would counter this view.
12. The previous appeal decision<sup>2</sup> submitted by the Council outlines its concerns in respect of the character of the area. The Inspector for that appeal acknowledged the evidence that a concentration of such accommodation translates to a transient population and has a destabilising impact on the local community and residential character of the street. However, it is evident that the Council's Housing Officer and Police Architectural Liaison Officer (PALO) provided evidence to support the Council's case, which the Inspector relied upon. I have not been provided with such evidence and note the PALO has not objected on this appeal. Therefore, whilst I do not doubt the findings at the time, and note the appeal was determined as recently as September 2021, I do not have the same level of evidence. As such I only afford this limited weight in my decision.
13. Whilst it is clear the area does have anti-social behaviour, there is no evidence regarding any complaint about the flats opposite, the wider area, or the extent of the area where concentrations of flats would occur. There is also no information about the substantial amount of work being undertaken to address the social issues.
14. The appellant considers the change of use would have a positive impact on the crime levels and the area. The appeal proposal would have a separate entrance to the first floor flat on Victoria Road. The separate entrance would make activity less noticeable, particularly to adjoining neighbours. It would also create personal space attributable to each flat, rather than a communal entrance, which is often positive in terms of social design measures and designing out crime. However, as the flats opposite are boarded up in places, this suggests that even if empty, another occupier would not prevent the behaviour, this is a neutral factor in my decision.
15. From the evidence before me, in this instance, I cannot conclude that the proposed level of intensification is not appropriate given its scale and position in the street. The wider area already has high numbers of privately rented properties, including the appeal building. As a result of this I do not find that the intensification of use, or transient occupancy, would be significantly different to current situation or have a serious harmful impact on the residential character of the surrounding locality.

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<sup>2</sup> APP/H0738/W/21/3272910

16. I have considered the Council's argument that the current proposal would set a precedent for similar developments in this street. I can appreciate the Council's concern that approval of this proposal could be used in support of such similar schemes. In any event, I found harm to the living conditions for future occupiers and am not allowing the appeal. As such future planning applications for similar developments, can therefore be treated on their own individual merits.
17. Consequently, I conclude that the proposed development would not result in harm to the residential character of the area. It would be consistent with Local Plan Policy SD8, which seeks to ensure that the quality of the environment and character of the established residential areas are protected. I also do not find conflict with paragraphs 130 and 134 of the Framework which requires high quality design that is sympathetic to local character whilst ensuring that crime and disorder, and the fear of crime, does not undermine quality of life or community cohesion.

### **Other Matters**

18. Natural England has recently updated its advice in relation to nutrient level pollution in a number of existing and new river basin catchments. The advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of the Habitats and Species Regulations 2017 (as amended) (the Regulations). In this instance the appeal proposal could increase nitrogen discharge into the internationally important Teesmouth & Cleveland Coast SPA/Ramsar. The Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of the habitats.
19. However, regulation 63(1) of the Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my overall conclusion on the main issue it is not necessary for me to consider this matter in any further detail.
20. I note the details of discussion with Council officers prior to the application being submitted. Whilst the Council advised that the principle of the development may be acceptable, it is clear that this would depend on such issues as living conditions and how the proposal would impact the character of the area. Whether or not the Council outlined its wider concerns, the Council's handling of the application has not affected my impartial assessment of the planning merits of the case. Further comments in relation to the Council asking neighbours to object is also not a matter before me. However, as part of the statutory process, the Council must notify neighbours either within the local press, site notice or by writing to them. The absence of objections is also a neutral factor in my Decision.
21. It is evident that the property has been subject to various anti-social behaviour and crime, and I strongly sympathise with this. Potentially some measures suggested by the PALO may also be applicable for the appeal site in its current form, or other means of security advice, whilst unfortunate it is required, would be available from relevant authorities. Conditions which limit the number of people who reside at the property would not be reasonable or enforceable for

me to attach, particularly as the first-floor accommodation could accommodate more than one person.

22. The net gain of a single dwelling would have social and economic benefits in a location close to services and facilities and the site is accessible by a choice of means of transport. However, such benefits are small. Even if I were to consider that the proposed development would not harm the character and appearance of the area, highway safety, would be a suitable location for housing and provides parking, these would be neutral matters that weigh neither for nor against the proposed development, and would not outweigh the development plan conflict identified above.

### **Conclusion**

23. Although I have not identified harm related to the residential character or the area, I have found the appeal proposal unacceptable related to the living conditions of the occupiers of the first floor flat. That is the prevailing consideration which brings the scheme into conflict with the development plan as a whole, and the Framework.
24. There are no material considerations in this case which suggest a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

*K Williams*

INSPECTOR