



Appeal Decision

Site visit made on 25 October 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/H0738/W/24/3346719

33 Oaklands Avenue, Norton, Stockton-on-Tees TS20 2PB

- 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 Favour Aboh against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/2030/RET.
 - The development proposed was originally described as "Split up existing HMO to Main house with 3 sleeping pods with shared lounge and kitchen".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In summary, the submitted plans propose two and single storey extensions to the host property, and the plans identify the accommodation created by the extensions as 3 bedsits. Extensions have been built at the property, and the Council determined the planning application on a retrospective basis. However, there is some disparity between what has been developed on site and that shown on the submitted plans. On site, single storey side and rear extensions have different roof profiles to that shown on the plans, and the first floor gable of the property contains 2 windows. Furthermore, the layout of the main unextended part of the property considerably differs from that shown on the plans and contains more bedrooms. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted, and this is reflected in my use of tense.

Main Issues

3. The main issues are:
 - The effects of the proposed development upon the character of the area;
 - Whether appropriate living conditions would be provided for the occupiers of the bedsits with particular regard to their private internal space and, in specific respect to bedsit 2, light;
 - The effects of the proposed development upon the living conditions of neighbouring occupiers with particular regard to levels of noise and disturbance; and
 - Whether parking provision would be acceptable having regard to highway safety.

Reasons

Character

4. In my view the character of an area is wide-ranging and is the combination of the elements and qualities which distinguish it. The appeal site is located within a predominantly residential area. Oaklands Avenue, and several of its neighbouring streets, are characterised by traditionally designed houses and bungalows. The host property is prominently positioned on a corner. Although there are exceptions, many properties in the area have front gardens with a strong sense of enclosure owing to the presence of boundary walls, hedges, railings, fences and modest driveways.
5. Evidence submitted by both main appeal parties presents to me that there are not concentrations of subdivided properties in the area. Furthermore, during my visit, I did not find evidence of particular traits which can be more typical of, and can signify, subdivided properties such as the manner in which they are numbered or the presence of multiple doorbells or intercom systems.
6. In this context, the proposed development, which would result in the host property containing 3 bedsits as well as the multiple bedroomed remains of the house, would be anomalous. This layout and subdivision of the property would result in occupancy levels which would be likely to be considerably higher than that which prevails in the area. Comings and goings from the property would also in turn be greater and would emerge from the 4 separate access doors serving it. That much of the front plot is proposed to be dedicated as an open parking space would allow for significant vehicular movements on and off the property as well as representing an outwardly visible consequence of the development proposed.
7. For this collection of reasons, the proposed development would be at odds with, and would relate poorly to, its context. This would be harmful to the character of the area.
8. In coming to these views, it may be that the appearance and detailed design of the extensions proposed would be acceptable. I have also had regard to the previous grant of planning permission¹ for two and single storey extensions. However, and for the reasons given, harm to local character would nevertheless result from the proposed development. As the development previously granted planning permission would not result in the same subdivision of the house, or in occupancy levels akin to the appeal scheme, the effects of it upon the character of the area would not be very comparable. As a consequence, the cited planning permission is of limited weight in my decision.
9. As each proposal requires assessment on its own merits and having regard to the particular circumstances applicable to it, it may be that the proposal would not result in a precedent for similar development being set. Even so, I have set out my reasons why this particular proposal would harm local character.
10. As a result, I find that the proposal conflicts with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan (LP). Amongst other matters, this policy requires development to respond positively to character, reinforce local distinctiveness and establish a strong sense of place. The proposal also conflicts with those policies within the National Planning Policy Framework (the

¹ Planning permission reference 22/0886/FUL

Framework) which seek to ensure that developments are well designed, sympathetic to local character and add to the overall quality of an area.

The living conditions of the occupants of the bedsits

11. LP Policy SPD8 seeks to ensure that developments provide a positive response to the amenity of the future occupants of buildings and that they create comfortable places to live, work and visit. The supporting text identifies that the policy's requirements apply to the subdivision of properties and places an emphasis on ensuring that internal layouts are appropriately designed with sufficient living space.
12. The Technical Housing Standards – Nationally Described Space Standard (NDSS) provide specific space standards which housing developments are required to meet. These space standards refer at different points to "dwellings", "tenures", "flats" and "houses". As a result, I find that they are designed to encapsulate a broad range of residential accommodation. Furthermore, even though the appellant emphasises to me that the proposed bedsits would be occupied for shorter term periods, it is not very clear to me what duration this means nor have any particular submissions or mechanisms been presented to me which indicates to me that this could be effectively defined or controlled. In such circumstances I find it appropriate to apply the NDSS to the bedsits proposed.
13. Each of the bedsits proposed would be small spaces. The smallest of them, bedsit 3, would have its living, bedroom and kitchenette space all housed within the same single room. The Council have set out that the floor areas of each of the proposed bedsits would vary between 14.5m² and 20m². Each would be considerably below the minimum floor areas set out within the NDSS, the smallest applicable of its floor areas being 37m². I have been provided with no substantive evidence which counters the Council's submissions or which demonstrates to me that their measurements are inaccurate. I find that bedsits with such internal space provision, and well below the provisions of the NDSS, would be unacceptably cramped.
14. The plans show that bedsit 2 would be served by only a door and not a dedicated window at either ground or first floor. The submitted plans provide limited detail of the precise design of this door. On site, the door which has been installed is served by 2 narrow glass panes which are obscured. On the basis of the plans before me, and informed by my site, I find that bedsit 2 would be likely to receive unacceptably limited levels of light. Whilst it is suggested to me by the appellant that a window could be proposed to serve bedsit 2 this is not shown on the proposed plans. Furthermore, and having particular regard to the proximity of the neighbouring property to this side, the insertion of any further windows within the side elevation of the host property would represent a substantial change from what the submitted plans depict and one which the neighbouring occupiers could reasonably expect to be consulted upon. Therefore, in these circumstances, and if I were minded to allow the appeal, it would be inappropriate to impose a condition requiring the insertion of further windows within bedsit 2.
15. For the reasons I have given, the proposal would fail to provide appropriate living conditions for the occupiers of the bedsits with particular regard to their private internal space and, in specific respect to bedsit 2, light. Consequently, the proposal conflicts with the aforementioned LP Policy SD8 and those policies

of the Framework that seek to ensure that developments promote health, well-being and a high standard of amenity. I also find that the proposal conflicts with the Council's Supplementary Planning Guidance 4: High Density Development: Flats and Apartments (SPG) which, amongst other matters, advises that development should aim to maximise the amenity of occupiers through the internal arrangement and shape of its rooms.

The living conditions of neighbouring occupiers

16. The submitted plans show a 3 bedroomed house. Upon completion of the proposal, 3 bedsits would be added. This represents a significant increase in the property's occupation and, associated with this, there would be a significant increase in activities and comings and goings. These comings and goings could arise for a wide range of reasons. They would include the occupants of the property undertaking key trips out for work or leisure purposes but also the more menial tasks such as trips to the bins and the like. There is also clear potential for more deliveries to be despatched to the property and other visits.
17. Designed with 4 access doors situated at the front, side and rear of the property, these various comings and goings on foot would therefore take place on different sides of the property so that, in turn, the occupiers of several neighbouring properties would be likely to experience them. Given the occupancy level that would be formed by the proposal, vehicular movements associated with it would also be likely to be significant. Furthermore, as a result of the subdivision of the property proposed, its occupants would be likely to reside quite independently from each other with separate routines and schedules.
18. Altogether these factors mean that the proposal would result in the host property being more intensively used and occupied. The result would be the generation of levels of noise and disturbance which would be divergent from that which prevails in the area and which would be harmful to the living conditions of neighbouring occupiers.
19. Again therefore, the proposal conflicts with Policy SD8 of the LP which seeks to ensure that developments provide a positive response to the amenity of the existing occupants of buildings and that they create comfortable places to live, work and visit. It also conflicts with those policies of the Framework that seek to ensure that developments promote health, well-being and a high standard of amenity.

Parking

20. Given the number of bedspaces proposed, coupled with the independence of its occupants, the demand for parking which would arise from the proposed development has the clear potential to be high. The Council's Supplementary Planning Document 3: Parking Provision for Developments (the SPD) acts as a guide for establishing appropriate parking provision within developments. Informed by the consultation response of the local highway authority, the Council's application of the SPD's parking standards are such that each bedsit would require 1.5 in-plot parking spaces. Altogether with the 3 bedroomed remains of the property and rounded up, it is submitted to me that the SPD requires 7 in-plot parking spaces to be provided within the site. I have been provided with no substantive evidence that the Council's interpretation of the parking standards within the SPD is inaccurate.

21. The submitted plans show 4 dedicated in-plot parking spaces. This would be well below the 7 space requirement cited above. Given the size of the property's front plot, and its absence of boundary enclosures, more vehicles could fit within it. I have been furnished with photographic evidence showing this. However, only narrow sections of the pavement are served by dropped kerbs and the plans indicate that no further dropped kerbs are proposed nor that those that are already in place would be widened. Therefore, in order for 6 or 7 vehicles to park within the front plot, which the appellant submits is feasible, sections of the kerb would have to be bounced. In my view this is an inappropriate means to access or egress the road, and it would be likely to damage the pavement. On site, the condition of the kerb suggests to me that such damage has already taken place. Therefore, it has not been demonstrated that adequate in-plot parking provision could be delivered by the proposal.
22. Furthermore, the host property is situated beside a bend in the road. Vehicles parked on-street in the vicinity of this bend could create hazardous conditions for drivers. In particular, vehicles travelling along Newlands Avenue from the west would be likely to be required to move towards the right-hand side of the road in order to pass the parked vehicles. Due to the road's curvature toward the north-east, forward visibility is restricted here, and there is a risk of conflict and even collision with the oncoming vehicles which would be travelling in the opposite direction. Therefore, and even though there may be no parking restrictions in the area, the site's particular position and the road layout at this point means that the provision of adequate in-plot parking, and the avoidance of a heavy reliance upon on-street parking, is necessary. Without it, the outcome of a heavy reliance upon on-street parking would undermine the safety of highway users.
23. Therefore, I find that the parking provision proposed would be unacceptable and prejudicial to highway safety. Consequently, the proposal conflicts with the SPD which establishes parking standards in order to ensure that developments are served by adequate parking provision to prevent conditions detrimental to highway safety including reduced visibility and highway obstructions. As the proposal would result in unacceptable impacts upon highway safety, it also conflicts with the advice set out at paragraph 115 of the Framework.

Other Matters

24. A range of housing provision is necessary to meet the diversity of housing needs, and the proposal would deliver a particular type of residential accommodation as well as a boost to housing supply in general terms. The proposal would also use suitable brownfield land within an accessible location in a built-up area for the purposes of delivering these homes, the value of which the Framework advises should be given substantial weight.
25. However, the boost to supply would be a modest one. Furthermore, in my main issues, I have identified that the proposal would result in a range of harms and, consequently, the proposal would not contribute toward, amongst other matters, ensuring healthy communities nor would it constitute an effective use of land. Altogether, this means that the weight which I attribute to the proposal delivering housing is limited. Some economic benefits would be derived from the development's construction and occupation but, again, these would be modest.

26. It may be, in respect of a range of other planning considerations, that the development would either not result in harmful effects or adequately cater for its impacts. This would include, amongst them, its effects upon trees and the biodiversity of the site. However, an absence of harm in relation to such matters is a neutral factor in my determination, and it does not outweigh the harm I have identified in my main issues.
27. The Council's fourth refusal reason relates to concerns regarding wastewater arising from the development and the nutrient loading effects of this upon the Teesmouth and Cleveland Coast Special Protection Area and Ramsar. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the integrity of these sites. However, I am dismissing the appeal because of my findings on the main issues. Therefore, there is no requirement for me to undertake this assessment.

Conclusion

28. The proposed development conflicts with the development plan taken as a whole. I have had regard to other considerations material to the appeal including the Framework, the SPG and SPD, and there is advice therein with which the proposal would also conflict. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR