
Appeal Decision

Site visit made on 26 November 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/R1845/W/19/3234813

Champion Rise, 1 Roxall Close, Blakedown, Kidderminster DY10 3JX

- 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 Dr Chloe Butler against the decision of Wyre Forest District Council.
 - The application Ref 19/0380/FULL, dated 17 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is change of use of existing dwelling to a mixed use of residential dwelling and aesthetic clinic.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out. I have taken the description of the development in the banner heading above from the appeal form, as opposed to the application form, for the sake of clarity and completeness.

Main Issue

3. The main issue is the effect of the development on the character of the area, having regard to the number of visitors to the appeal property.

Reasons

4. The appeal property comprises a detached building located in a predominantly residential area. The development involves using the appeal property as both a dwelling house and an aesthetic clinic. The Council's contention is with the use of the property as an aesthetic clinic. Based on the submitted drawings, the clinic occupies part of the ground floor of the building and comprises rooms for consultation/treatment, waiting and storage, along with toilet facilities.
5. Despite assertions to the contrary from several third parties, the appellant has indicated that only a single client visits the clinic at any one time, and only one member of staff is employed. Apart from these anecdotal accounts from local residents and the statement from the appellant, there is nothing in the evidence before me to indicate the daily number or regularity of clients visiting the premises, or the associated number or pattern of vehicular movements occurring. However, the appellant has clarified that the clinic is open between the hours of 0900 and 1700 Monday to Friday, and between 0900 and 1400 on Saturdays.

6. It is unclear whether the cars parked on the street close to the appeal site, as depicted by photographic submissions from several local residents, were there in connection with the appeal property or for some other reason, particularly having regard to the likelihood of cars being parked on the streets in the area in connection with the nearby railway station. Nevertheless, despite the presence of only a few cars on the street near the appeal site on my site visit, the position of the appeal property on a cul-de-sac, and the lack of passing vehicles and pedestrians I observed, reinforced the quiet suburban character of the street.
7. Moreover, only a few cars were parked on the hardstanding in front of the appeal property on my site visit. A plan has been submitted by the appellant which shows that the hardstanding could accommodate 5 off-street car parking spaces as required by the Council in connection with the mixed use. However, the limited width of the entrance to the hardstanding means that, in order to accommodate 5 vehicles on the hardstanding, they would need to be parked in such a way that at least 3 vehicles were blocked in. Due to the likely regularity that vehicles would have to be manoeuvred on the hardstanding to allow clients/visitors to enter and leave the appeal premises, it leads me to the conclusion that the parking layout proposed is impractical and unworkable. Consequently, the development fails to provide adequate off-street car parking spaces. As a result, the arrival of clients/visitors to the appeal property will facilitate the need for some vehicles in to park outside the confines of the appeal site, and on the surrounding streets.
8. The surrounding streets are not restricted by a Traffic Regulation Order, and there is nothing in the evidence before me to suggest that the parking of vehicles on the highway in connection with the use leads to unacceptable highway safety impacts, an opinion I share following my site visit. Nevertheless, the fact that the business is open almost daily for prolonged periods throughout the day suggests that the movement of vehicles and people in connection with the use would be sustained throughout the hours of operation. Even if I was to accept the appellant's assertion that the business is currently operating in a manner so that daily movements of people and vehicles is not significant, there is no guarantee that current levels of activity would remain in the long term, with the potential for the business to grow, which could lead to additional daily visits from clients and staff along with additional parking stress.
9. To my mind and based on all that is in the evidence before me, the use generates a discernible level of activity over and above the activities associated with the predominantly residential uses on the street. The impact is exacerbated by the lack of parking provision within the appeal site and, in the absence of evidence to the contrary, the development will lead to the need for vehicles to park on streets nearby. The regular comings and goings associated with the business activities are out of step with the quiet residential character of the area.
10. For the foregoing reasons I conclude that the development unacceptably harms the character of the area. This is contrary to Policies SAL.CC2 and SAL.UP7 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (adopted July 2013) (Local Plan) which seek, amongst other matters, to ensure that car parking is designed to fully integrate with developments, and that developments integrate well within the existing streetscene. The

development is also contrary to paragraph 127 of the National Planning Policy Framework which seeks to, amongst other things, protect local character.

11. Whilst the Council's reason for refusal also refers to Policies SAL.CC1 and SAL.GPB3 of the Local Plan, as I have not identified an unacceptable impact on highway safety, nor does the proposal involve the loss of a retail use, I do not find any conflict with these Policies. Nevertheless, this does not detract from the harm I have identified.

Other Matters

12. I am aware that the appellant is dissatisfied with the way in which the Council handled the planning application, having not been contacted by the Council before a decision was made. However, these are matters between the main parties which have had no bearing on my decision.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Matthew Woodward

INSPECTOR