
Appeal Decision

Site visit made on 6 July 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2020

Appeal Ref: APP/V4630/W/20/3245764

Land adjacent to 43A Lower Litchfield Street, Willenhall WV13 8QQ

- 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 Corbelli Wines against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 18/1215, dated 5 September 2018, was refused by notice dated 30 August 2019.
 - The development proposed is erection of new residential development of 15 apartments/maisonettes providing 7 1-bed and 8 2-bed units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the appeal development on the character and appearance of the area;
 - Its effect on the living conditions of future occupiers;
 - Whether or not any impact of the development on local infrastructure would be adequately offset, in particular the provision of affordable housing and public open space; and
 - Its effect on highway safety.

Reasons

Character and appearance

3. The appeal site is an irregular shaped parcel of land, fronting onto Lower Litchfield Street. It is occupied by a number of single storey buildings which support the existing commercial uses that currently operate from the site, but for its most part, it is open. Surrounding buildings are generally functional in design and are predominately in commercial uses, including a number of warehouse/manufacturing uses, open storage and car repair uses. To the south-west of the site are a number of Victorian buildings, which are in a mix of commercial and residential use and are locally listed.
4. The proposal would accommodate 7no 1-bedroom apartments on the ground floor with rear access and 8no 2bed apartments on the first and second floors. Vehicular access would be via an undercroft arrangement. An area of private

open space for the use of the occupiers of the development would be provided at the south-western end of the site.

5. Policy IND4 of the Walsall Site Allocation Document (WSAD) identifies that the appeal site forms part of an area of local industrial development, which has been considered suitable for redevelopment. The Policy identifies that redevelopment for housing is acceptable in principle, provided remaining industry can be relocated, there are no physical constraints and that any alternative use does not constrain any existing industry. Policy HC2 of the WSAD, supports the provision of housing on previously developed sites, subject to a series of criteria, including the creation of a satisfactory residential environment.
6. The proposed building would be positioned in an open gap within the street scene, between two existing 2 storey developments. Those to the southwest are Victorian buildings and are locally listed. The proposed development would be considerably larger than surrounding buildings and would therefore be of a greater bulk, scale and mass than adjoining developments. This would introduce a building that would be visually prominent and would appear as an overly dominate form of development within the street scene. As a result, it would fail to respect its surroundings and the local context. Nor would it contribute to a comprehensive redevelopment as envisaged by Policy IND4.
7. I acknowledge that surrounding land is likely to be in a number of different ownerships. However, this is not a unique situation for redevelopment sites such as this. The purpose of the Council's Policy and the plan-led system is to provide Policy support for sites to come forward in a comprehensive way, rather than through a series of more piecemeal developments.
8. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, is contrary to Policies DEL2 and CSP4 of the Black Country Core Strategy (BCCS), Saved Policies GP2, ENV14, ENV28, ENV32 and ENV33 of the Walsall Unitary Development Plan (WUDP), Policies HC2 and IND4 of the WSAD, Designing Walsall Supplementary Planning Document (DWSPD) and the Policies contained within the National Planning Policy Framework (The Framework).

Living conditions

9. Lower Litchfield is a busy urban road, which provides access to the surrounding commercial uses, as well as the Willenhall District Centre to the west. The proposed building would be set slightly back from the footpath edge, behind 1m high railings.
10. The bedroom windows of the ground floor units would look directly onto Lower Litchfield Street. At the rear, a number of the ground floor units would face directly on to the manoeuvring and parking area, with the existing commercial units beyond. I consider that this would offer a poor outlook. With little private space to the front or rear to protect the ground floor units, residents are likely to be subject to significant noise and disturbance from passing pedestrians and vehicles, which would be likely to harm their living conditions. Furthermore, passers-by along Lower Litchfield Road, would have clear views into these windows. Privacy in these rooms could only be assured by the use of obscure glazing or net curtains, neither of which would provide occupiers with good living conditions given that they would constrain outlook and natural light.

11. An area of open space would be provided to the south-western end of the site. Annex D of the DWSPD, sets out the standards required within development to ensure they provide adequate levels of open space for their residents. Where communal provision is proposed, the DWSPD requires each flat to have a minimum of 20 square metres, which in this instance would amount to 300 square metres. On this basis, the proposed open space within the site would meet the requirements. The open space is however poorly integrated with the proposed development and, whilst parts would be overlooked, a substantial portion would benefit from no natural surveillance. Furthermore, its juxtaposition in relation to the surrounding commercial activities, further reduces its usability due to its proximity.
12. For the above reasons, I therefore conclude that the proposed development would not provide satisfactory living conditions of future occupiers and, in this regard, is contrary to Policies CSP4 and ENV3 of the BCCS and Saved Policies GP2, ENV32 and ENV33 of the WUDP, Policy HC2 of the WSAD, The DWSPD and Policies contained within The Framework.

Local infrastructure

13. Policy OS1 of the Urban Open Space SPD requires residential developments of more than 10 units to provide a contribution towards public open space. The Affordable Housing SPD requires all development of 15 units or more to make a provision of 25% affordable housing.
14. These policy requirements, due to their long-term nature, provisions for their on-going management and maintenance, would need to be secured via planning obligation as opposed to a planning condition. I am satisfied that they are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.
15. In the absence of a planning obligation to secure the requisite on-going management/maintenance of the proposed on-site open space and the provision of affordable housing, I cannot be satisfied that the effect of the development on local infrastructure would be adequately offset. Consequently, in this regard, the proposed development would conflict with Policies HOU2 and HOU3 of the BCCS and saved policies GP3, LC1 and H4 of the WUDP, Policy OS1 of the WSAD, The Urban Open Space SPG and The Affordable Housing SPG, as well as with the Framework. This carries substantial weight against the appeal proposal.

Highway safety

16. The proposal makes provision for 15 on-site car parking spaces, which equates to one per dwelling. Based on the Council's adopted standards the development would require the provision of 23 spaces. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraphs 105 and 106 require, amongst other things maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network. In this regard, I acknowledge the proximity of the site in relation to the District Centre and surrounding local services and facilities, including public transport provision. Therefore, whilst the proposal would result in an under provision of parking, there is no evidence that this would lead to any significant harm.

17. In terms of the parking spaces, whilst no specific plan is before me to demonstrate how vehicles would access these, it would appear from the information that cars would be able to safely enter and exit the site, with any additional manoeuvring, taking place within the site and therefore away from the public highway. With regards to concerns over the proposed electric gates and the details of refuse collection, these are matters that could be dealt with by means of a suitably worded condition were planning permission to be granted.
18. For the above reasons, whilst there would be an under provision of parking, I conclude that the site lies in a sustainable location and therefore the proposed parking spaces are adequate to support the proposed development and, as such, it would be unlikely to have an adverse effect upon highway safety. In this regard, the proposal complies with Policies DEL1, CSP4 and ENV3 of the BCCS and Saved Policies GP2 and ENV32 of the WUDP and the policies contained within the Framework.

Conclusion

19. I have found that the proposed development would not have an adverse effect upon highway safety. However, this is outweighed by the harm to the character and appearance of the area, the living conditions of future occupiers of the development and the effect upon local infrastructure. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR