



Appeal Decision

Site visit made on 22 June 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/D1835/W/20/3246591

31 Comer Road, Worcester WR2 5HU

- 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 Mr Nurul Haque against the decision of Worcester City Council.
 - The application Ref 19/00807/FUL, received by the Council on the 9 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is the change of use from hot food takeaway to 1 bed flat.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from hot food takeaway to 1 bed flat at 31 Comer Road, Worcester WR2 5HU in accordance with the terms of the application, 19/00807/FUL, received by the Council on the 9 October 2019 and the plans submitted with it.

Procedural Matters

2. The appeal application originally described the proposal as the conversion of takeaway to residential – 2 bedsits. However, the application plans show the proposal as being a single one-bedroomed flat and the Councils decision notice reflects this. That said, the Appellants appeal form utilises a different description. Giving that the meaning of both the Councils description and the Appellants appeal form description both accurately describe the proposal before me, I have adopted the Appellants appeal form description for my decision.
3. In addition to the above, I noted at my site visit that the development had already been carried out.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. The appeal site is located on the west side of Comer Road opposite its junction with Lapal Close. The site is located in an urban area with the main uses in the immediate vicinity of the site being residential. The appeal site itself consists of one half of a semi-detached building which has a small block paved forecourt and a dropped kerb to the highway.
6. At my site visit I saw that there was not a significant amount of traffic using Comer Road, although I appreciate that given the current COVID-19 pandemic traffic flows were likely to be much lower than usual. However, I did note that both Comer Road and Lapal Close have on-street parking, and that there were

ample parking spaces available at the time of my visit. That said, I acknowledge that my visit was only a snapshot in time.

7. However, neither the Council or the County Council as Highway Authority have provided any significant evidence to suggest that there is a highway safety issue arising from on street parking in the area or that there is any parking stress. Taking that into account, and what I observed on my site visit, I am of the view that should any on-street parking result from the proposal this would not raise any significant highway safety matters.
8. Notwithstanding that, there is a space which could be used for parking to the property frontage. From what I saw, this space is clearly sub-standard when compared to the design guidance contained in the Streetscape Design Guide¹. As a result of the size of the available parking area, it is evident that some vehicles would inevitably be too big for the parking space and would overhang or block the pavement which would not be in the best interests of pedestrian safety.
9. Despite this, it is significant that this is also an existing situation. I am also conscious that the current lawful use of the premises could generate a significantly greater amount of parking demand when compared to the current proposal.
10. With all of that in mind, the proposal to convert the ground floor from a takeaway to a single residential property would be clearly beneficial in highway safety terms owing to the likely reduction in vehicular traffic associated with the property. In that sense, I find that the proposal is acceptable.
11. For the above reasons the proposal would not give rise to any significant highway safety issues and would accord with Policies SWDP 4 and SWDP 21 of the South Worcestershire Development Plan (2016) which amongst other matters seek to manage travel demand and address road safety including ensuring that development should be able to access the highway safely. It would also accord with the highway safety aims of the National Planning Policy Framework.

Conditions

12. The Council have provided a suggested list of conditions should I be minded to allow the appeal. This includes conditions relating to the approved plans and relating to the finish of the altered front elevation.
13. Given that the development has already been carried out I consider that the plans condition is not necessary. In respect of the finish of the front elevation, I observed that the altered part of the building had painted brickwork. Whilst a render finish may have an improved appearance, I consider that this is not necessary to make the development acceptable. Furthermore, I consider that the present colour of the painted brickwork is not harmful to the host building or the wider area.

¹ Worcestershire County Council's Streetscape Design Guide (2018)

Conclusion

14. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR