



Appeal Decision

Site visit made on 10 August 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/C4615/W/20/3248399

72 Murcroft Road, Wollescote DY9 9HU

- 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. Bewar Mussa against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/1543, dated 29 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the conversion of existing dwelling into 2no. flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing dwelling into 2no. flats at 72 Murcroft Road, Wollescote DY9 9HU in accordance with the terms of the application, Ref P19/1543, dated 29 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Project No. 19-1007: Dwg 03; Dwg 04; and Dwg 05;
 - 3) Any gas boilers provided within the development must meet a dry NOx emission concentration rate of less than 40mg/kWh.
 - 4) Demolition or construction works shall take place only between 07.00 and 18.00 on Monday to Friday and between 08.00 and 17.00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice rather than the longer wording given on the application form.

Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area;
- The effect of the proposal on the living conditions of neighbouring properties with particular reference to noise and disturbance; and
- The effect of the parking arrangements on highway and pedestrian safety in Murcroft Road.

Reasons

Character and appearance

4. Murcroft Road comprises of predominantly semi-detached properties and blocks of terraced housing. The appeal building is a 2-storey mid terrace property in one such block. The surrounding area is predominantly residential with a mixture of housing.
5. The proposal would alter the mix of house types in the street and this would be most apparent within the terrace block. However, this departure from a house to 2 flats would not, in my view, result in harm. Some of the terraced houses are designed with 2 doors at the ground floor. This pattern would be maintained with each flat having its own entrance door. Externally there would be very little change to the character and appearance of the terrace group, and it would remain in residential use.
6. I therefore find, that although the proposal would result in a departure from the pattern of houses, this would not in itself result in any harm to the character and appearance of the surrounding area. As such the proposal would comply with the requirements of Policy L1 of the Dudley Borough Development Strategy (DS) (March 2017). This stipulates, amongst other things, that in the case of residential conversions such development shall not have a detrimental impact on the character, form and design of the host dwelling.

Living conditions

7. As a mid-terrace dwelling, the appeal building has neighbouring properties either side. The entrance doors of the 2 flats are to the front and close to the entrance door of the neighbouring property rather than a ground floor habitable room window. I recognise that there is the potential for an increased movement of people from separate households from the existing situation. However, in the context of a suburban environment, I consider that such activity would not be so prominent as to be disturbing.
8. Vehicle movements would be on the street rather than immediately adjacent to any neighbouring properties window, as such any activity is likely to be absorbed into the existing street activity. Other properties in the street have waste storage to the front and there is no cogent evidence before me to demonstrate that this can not be accommodated for the proposed flats.
9. Internally there is the potential for noise and disturbance travelling through the party walls. However, whether it is occupied as a larger single dwelling or as 2 smaller flats the potential for noise and disturbance exists. I do not therefore

consider that activity internally within the property as 2 small flats would likely cause harm in terms of noise and disturbance to the occupants of neighbouring properties.

10. Drawing all the above together, I find that it is unlikely that the appeal proposal would cause harm to the living conditions of the occupants of neighbouring dwellings with particular reference to noise and disturbance. As such, I find that the proposal would comply with the requirements of Policy L1 of the DS. This stipulates, amongst other things, that housing conversions will be permitted provided that the development would not cause unacceptable harm to the amenities of the occupiers of neighbouring properties.

Parking

11. The proposal would not provide any off-street parking and as such, there would be conflict with the Parking Standards Supplementary Planning Document (SPD) (2017). However, the existing house and many others in the street have no off-street parking. Moreover, parking is possible to the front of the property on the street.
12. Murcroft Road and other streets in the vicinity of the site have no parking restrictions in place. Moreover, there is no substantive evidence before me as to whether there is an existing problem with the capacity of on-street parking in the street. As 2 small flats the level of parking demand would not likely be significantly greater than the existing demand from the existing house or be so substantial to result in a significant displacement of vehicles in Murcroft Road. Moreover, I have no substantive evidence that this would result in an adverse effect on highway or pedestrian safety.
13. I recognise that my site visit represented a snapshot in time and the level of parking would likely be different in the evenings and weekends. However, at the time of my afternoon site visit there was on-street parking occurring along Murcroft Road and additional spaces were available. Where there were parked vehicles, the carriageway in the road was wide enough to enable other vehicles to pass. As such, it would be possible for additional vehicles associated with the appeal site to park on-street without causing an obstruction.
14. I therefore conclude on this matter that although there would be conflict with the SPD, the parking arrangements would not result in an unacceptable effect on highway or pedestrian safety in Murcroft Road. I therefore find that the site-specific circumstances of this appeal mean that the proposal would still comply with the objectives of Policy Tran 2 of the Black Country Core Strategy (adopted 2011) and Policies L1 and S17 of the DS. These stipulate, amongst other things, that all development make adequate and safe provision for access and egress by vehicle users, cyclists, pedestrians and other road users.

Conditions

15. The Council has not requested that any specific planning conditions be imposed, although I note the Council's Environmental Health Officer requested conditions during the planning application stage. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also attached a condition in relation to the gas boilers in the interests of local air quality. As there is no off-street parking associated with the proposal a condition relating to electric vehicle charging points would not be reasonable. A

condition relating to the hours of construction is reasonable given the proximity of neighbouring properties.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is allowed subject to conditions.

Robert Walker

INSPECTOR