



Appeal Decision

Site visit made on 11 August 2020 by S Watson BA(Hons) MSc

Decision by K Taylor BSc (Hons) PGDip MRTPI

An Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/C4615/W/20/3250893

19A Masters Lane, Halesowen B62 9HE

- 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 Majid against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/1212, dated 22 August 2019, was refused by notice dated 17 December 2019.
 - The development proposed is the change of use and conversion of the existing warehouse unit into 2 one bed residential flats.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is whether the proposal would provide suitable living conditions for future occupiers, with particular regard to light, outlook, noise, privacy and amenity space.

Reasons for the Recommendation

4. The appeal site is at the rear of the properties fronting Masters Lane and is accessed via a narrow drive shared by a number of garages adjacent to the site. The site itself contains a long single-storey building and associated yard to the front, I understand it to be in B8 use. To the east of the site, and accessed off Holt Road is a small industrial unit, which appeared to be in operation at the time of my visit.
5. From the information before me I find that the two dwellings would each provide a good-sized floorspace which would be suitable for the likely number of occupants. I also note that both the appellant and Council agreed the proposal met the Technical Housing Standards Nationally Described Space Standards by way of their internal floor space and the floor space of their bedrooms. Moreover, I find that the external space provided to the right-hand property, in the form of soft landscaping and a driveway, would be of a sufficient size to provide a good level of external amenity space for an individual or couple. However, the left-hand property's external space would be much more limited and exposed to public views, resulting in a poor amenity space.

6. Although I note the appellant's intention to refine the landscaping plan through a condition, I find that there is limited scope to increase the useable amenity space without materially changing the proposal.
7. Each dwelling would be served by two windows, one in the bedroom and one in the living room/kitchen area. All windows would look out towards the south where there would be a relatively good level of daylight. I find that as such the proposed bedrooms would receive a good level of natural light through the day. However, the proposed living room/kitchen areas are long rooms which would stretch to the back of the dwellings. Given their length I find that the rear of the rooms would receive little natural light with future occupiers relying primarily on artificial lighting. The rooms would be less pleasant as a result.
8. Although close, I nevertheless find that there would be enough distance between the windows and boundary to allow a sufficient outlook unaffected by any overbearing or intrusive features. For the right-hand property views would be likely to include the proposed soft landscaping and open sky, which would be somewhat pleasant. Although the left-hand property's outlook would be poorer due to the much closer location of the car parking space, I find it would not be unacceptable. However, the position of this property's bedroom window would readily allow views from pedestrians and drivers heading up the drive towards the appeal site or garages. This would harm the privacy of the bedroom and the living conditions of its occupiers.
9. Vehicles manoeuvring in close proximity to the proposed dwellings, whether in relation to them or the existing garages, are likely to be an intrusive noise that would especially affect the living conditions of the left-hand dwelling. Moreover, the garages to the west would likely result in further noise from the opening and closing of the doors which would also affect both properties. Noise from the nearby industrial unit to the east was audible from the appeal site above background levels. However, it was not an overly intrusive noise and I find it would be unlikely to adversely affect the living conditions of future occupiers.
10. It is likely that the proposal would result in a reduction of non-residential noise produced at the site which would be beneficial to the living conditions of neighbouring occupiers. Moreover, I find that, given its siting and the position of the windows, it is unlikely for the development to result in any other unacceptable impacts on the living conditions of surrounding occupiers. Nevertheless, I find only the reduction in noise to be a benefit of the scheme and even this I consider to not be so significant as to outweigh the harm identified above.
11. The development would provide a poor quality of living accommodation to future occupiers by way of the provision of amenity space, light to the properties, the privacy of its occupiers and disturbance from noise. This would be contrary to Policy HOU2 of the Black Country Core Strategy (BCCS) and Policy L1 of the Dudley Borough Development Strategy (DBDS) which, amongst other things, seek development to provide an appropriate level of amenity. The proposal would also conflict with the requirements for a high standard of amenity for future users as set out in Paragraph 127(f) of the National Planning Policy Framework, as well as the amenity guidance set out within Appendix A of the New Housing Development Supplementary Planning Document.

12. Although the Council also referred to Policies HOU1 and CSP4 of the BCCS and Policies S1 and S6 of the DBDS I found these policies were not directly relevant to the reason for refusal.

Other Matters

13. A number of other matters have been brought to my attention, including that the principle of the development is acceptable in this location, that the scheme has been reduced in scale, and that it would result in improvements to both the appearance of the building and anti-social behaviour. Although I agree with the appellant on these grounds, I nevertheless find that these matters are not sufficient to outweigh the harm outlined above.
14. The appellant has also raised concerns over the different responses made by the Council's planning officers during the associated planning application. However, I understand that these comments were made prior to the decision and cannot prejudice their assessment or subsequent decision.
15. While the proposal would provide two dwellings towards the Council's housing land supply, from the information before me, I have no reason to believe that they are not already meeting their requirements. The proposal must therefore be assessed against the standard presumption in favour of sustainable development, as set out in the National Planning Policy Framework. The proposal is not sustainable as it would provide a poor level of living accommodation as outlined above.

Recommendation

16. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

K Taylor

INSPECTOR