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## Appeal Decision

Site visit made on 22 December 2020

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> December 2020**

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**Appeal Ref: APP/D4635/W/20/3259094**

**69 Nine Elms Lane, Wolverhampton WV10 9AN**

- 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 Yogesh Randhawa against the decision of Wolverhampton City Council.
  - The application Ref 20/00417/FUL, dated 18 March 2020, was refused by notice dated 11 June 2020.
  - The development proposed is described as change of use from A1 to 1 x two bedroom flat and change of use from garage to 1 x studio flat.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on (i) the living conditions of the occupiers of the proposed studio flat in respect of noise, light and air pollution, and in respect of the amount of outside amenity space for both residential units and access to the studio flat and proposed cycle storage area, and (ii) the character and appearance of the area.

### Reasons

#### *Living conditions*

3. The two car parking spaces in the existing yard area would be located in close proximity to the proposed garage conversion. However, that is not an uncommon arrangement and owing to the limited number of spaces proposed, coupled with the fact that the windows serving this residential unit would be positioned away from such spaces, it leads me to conclude that this arrangement would not in itself lead to any significant levels of noise, light or air pollution.
4. However, when the car parking spaces were used it would mean that it was very difficult to gain access to both the studio flat and the cycle storage space. Furthermore, and given the position and extent of the car parking spaces, there would be very limited open outside amenity space for occupiers of the two residential units. In this context, the outside living environment would be tight, cramped and overall oppressive for occupiers of both residential properties. I acknowledge that the proposal would make efficient use of land, but this would be at the expense of the sort of well-designed outside living

environment that future occupiers of the residential units should reasonably expect to enjoy.

5. I therefore conclude that the proposal would not accord with the amenity requirements of paragraph 127(f) of the National Planning Policy Framework (the Framework) and saved policy H6 of the Wolverhampton Unitary Development Plan 2006 (UDP).

#### *Character and appearance*

6. The Council raise no objection in principle to the conversion of the ground floor shop to a two bedroom flat. I have no reason to disagree. The Council's concern relates to the proposed garage conversion in so far that it considers that it would fail to respond positively to the established pattern of development in the locality and that its "scale" and "massing" would not reflect that of surrounding properties.
7. I acknowledge that most of the properties in Stratton Street are two storey terraced dwellings. The conversion of the garage to create a single storey studio flat would be different in that respect. However, the garage already exists and so the proposal would not in itself represent a marked change to what already exists in scale and massing terms. Furthermore, the use proposed would be compatible with adjacent uses.
8. The appellant has referred me to a residential conversion scheme at No 24 Nine Elms Lane. I do not know the exact circumstances which led to this development being approved, but it has the appearance of a former garage and to that extent there does seem to be some similarity with what is before me now in design terms.
9. The proposal would result in the removal of a roller shutter type garage door and its replacement with a window to serve a lounge/bedroom and would include a rendered type finish to the lower section of the resultant wall. The window would not in itself look out of place in the street-scene and it would be possible to impose a condition that ensured that the colour/material/finish of the new walling matched the existing.
10. I therefore conclude that the proposal would not cause harm to the character and appearance of the area. It would accord with the design requirements of policies CSP4 and ENV3 of the Black Country Core Strategy 2011; saved policies D4, D6, D7, D8, D9 and H6 of the UDP; the Council's SPG No 3 Residential Development and Chapter 12 of the Framework.

#### **Conclusion**

11. Whilst I have found that the conversion of the two buildings for residential use would not cause harm to the character and appearance of the area, the development would cause significant harm to the living conditions of the occupiers of the proposed residential units in so far that the outside amenity space would be cramped and oppressive and as there would be poor access to and from the studio flat and the bicycle storage area when vehicles were parked in the two car parking spaces.

12. I note that the proposal would make efficient use of land and that it would add to the choice of housing in the area, but the living conditions issue is a matter of overriding concern. I therefore conclude that the appeal should be dismissed.

*D Hartley*

INSPECTOR