
Appeal Decision

Site visit made on 2 February 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2021

Appeal Ref: APP/C4615/W/20/3262744
14-16 Manor Lane, Halesowen B62 8PY

- 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 Amanjeet Grewal against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/0011, dated 13 January 2020, was refused by notice dated 2 June 2020.
 - The development proposed is new shop front to include a new entrance door to first floor flat and single storey rear extension (following demolition of existing ground floor extension).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has been taken from the appeal forms and decision notice, which more accurately describe the proposal compared to the application forms. The appeal has been dealt with accordingly.

Main Issues

3. The main issues are the effect of the proposal on:
 - (a) highway safety; and
 - (b) the living conditions of future occupiers regarding access to private outdoor space.

Reasons

Highway Safety

4. The site is located at 14-16 Manor Lane, which does not currently benefit from designated parking for the residential flat, and parking occurs informally to the rear of the site, which is convenient insofar as it is in the vicinity of the first floor access to the residential flat. Designated parking associated with the wider shopping parade is located at the front of the site, facilitating customer parking for the commercial premises.
 5. The proposal would relocate the first floor access of the residential flat to the front of the site. Given the length of the shopping parade, there would be an appreciable distance from the rear of the site to the front. Consequently, parking to the rear of the site would not be as convenient and due to the level of remoteness there would be additional pressure to park at the front.
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6. In this context, the proposal would repurpose some of the parking that currently serves the shopping parade and designate it for residential use. However, this would have the effect of displacing the existing parking demand associated with the shopping parade, which in turn would lead to customers of the shopping parade to park indiscriminately along the highway elsewhere in the locality.
7. In this context, the existing demand for parking at the front has not been demonstrated (through a parking survey or similar objective analysis) and it is therefore unclear whether sufficient parking for the shopping parade currently exists, and whether there is a surplus to allow some of it to be repurposed in the way being proposed. It is also unclear how spaces to the front of the site would be secured when the minimum forecourt width for the number of spaces proposed would total 12.5m, plus additional circulation areas.
8. During my site visit, I observed a busy highway with a significant number of cars parked along the immediate highway network. Consequently, in the absence of evidence allaying concerns about parking displacement it is my assessment that additional indiscriminate parking generated by the proposal would harm highway safety.
9. The extant planning permission appears to have an alternative parking and access arrangement relative to the proposal in this case. Consequently, they are not directly comparable and involve different considerations as set out in my reasoning.
10. Overall, it has not been fully demonstrated that there is an appropriate level of parking provision for the shopping parade, in accordance with relevant parking standards, and that residential parking demand displaced to the front of the site can be accommodated without harmful effects on highway safety.
11. Consequently, the proposal would conflict with Policy TRAN2 of the Black Country Core Strategy 2011, Policies S1, S17 and L10 of the Dudley Borough Development Strategy 2017 and the Parking Standards SPD 2017. Among other things, these seek to ensure that proposals come forward without detriment to highway safety.

Living Conditions

12. The site is located amongst a shopping parade comprising commercial properties at ground floor level with at least some residential flats at first floor level, as is the case in the context of the site itself. Currently, the front of site facilitates ground floor access to the commercial premises. The rear of the site facilitates a secondary ground floor access to the commercial premises, alongside a first floor access to the residential flat. The size of the residential flat, comprising 3 bedrooms, suggests that it would be suitable families and the role of outdoor space is therefore important.
13. The rear of the site also comprises an open yard area, which is informal in nature, and an area that could be used as outdoor space by occupiers, albeit this is recognised as being in poor condition due to vacancy, lack of upkeep and its general state of informality. Nonetheless it is still directly accessible from the residential flat via the rear first floor access. Consequently, it is safe and convenient.

14. The proposal would relocate the rear first floor access of the residential flat to the front of the property, alongside the ground floor access to the commercial premises. This would facilitate a more formalised approach to private outdoor space to the rear of the site and represent a modest improvement in comparison to existing conditions.
15. However, this would also prevent future occupiers from accessing the outdoor space to the rear in a safe and convenient manner. For example, during my site visit, Manor Lane presented itself as a busy highway, and the shopping parade was appreciable in length. Consequently, it would not be safe for young children to access the rear alone, and families would be required to walk an inconvenient distance to the rear of the property each time they wanted to use the private outdoor space.
16. On balance, the benefits derived from formalising the rear outdoor space and making it private are neutralised by the inconvenience and safety concerns associated with access. In a similar context, but in the converse, any disadvantage of the existing informal arrangement is neutralised by the convenience and safety of access. Consequently, the existing and proposed arrangements carry equal weight in terms of their effect on the living conditions of future occupiers regarding access to private outdoor space.
17. Overall, whilst the proposal would not provide a benefit it would still carry neutral weight and would not conflict with Policy HOU2 of the Black Country Core Strategy 2011 or Policies S1, L1 and L10 of the Dudley Borough Development Strategy 2017. Among other things, these seek to ensure proposals include sufficient levels of residential amenity.

Other Matters

18. It is noted that the proposal would help maximise the efficient use of land, and there are some functional improvements to the way the property is used, however this should not be at the expense of highway safety and has not changed my assessment of the main issue.

Conclusion

19. Even though the effect of the proposal on the living conditions of future occupiers regarding access to private outdoor space is a neutral matter and does not create conflict with the development plan, the proposal would still harm highway safety. Consequently, for the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR