
Appeal Decision

Site visit made on 18 March 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/D4635/W/20/3261362
181 Penn Road, Wolverhampton WV3 0EQ

- 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 M Mehan against the decision of Wolverhampton City Council.
 - The application Ref 20/00931/FUL, dated 20 August 2020, was refused by notice dated 29 September 2020.
 - The development proposed is for use of existing outbuilding as office (use class B1a) (Resubmission of refused application 20/00107/FUL).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue issues are:
 - i) the appropriateness of the location for B1a office use having regard to the local centre hierarchy;
 - ii) the impact to the character and appearance of the Conservation Area; and;
 - iii) the impact to neighbouring living conditions.

Reasons

Appropriateness of the location for B1a office use

3. Policies CEN1, CEN3, CEN5 CEN6 and CEN7 of the Black Country Core Strategy (BCCS) combined seek to encourage office development into the higher order Strategic Centres of Brierley Hill, Walsall, West Bromwich, and Wolverhampton. This is also balanced by a network of Town, District and Local Centres also supported as having some town centre uses, particularly those required for the day to day needs of residents.
4. A clear aim of the development plan is to locate commercial development within the hierarchy of centres it establishes. In that policy context, I note that any proposal for a town centre use in an out of centre location, will only generally be considered favourably if the most recent national guidance is satisfied.

5. Office uses are defined by the glossary of the National Planning Framework (the Framework) as main town centre uses. The Framework advises that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses are required to be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
6. No convincing justification is evidenced as to why the proposed office would not be able to be directed to a centre recognised and supported by the Council's development plan. The location of office uses within strategic and district centres is necessary for their vitality and is an important component for the overarching regeneration strategy contained within the plan to succeed.
7. Accordingly, I find that the development would conflict with Policies CEN1, CEN3, CEN5 CEN6 and CEN7 of the BCCS and the aims of the Framework for the location of main town centre uses.

Conservation Area

8. The Penn Road (Graiseley) Conservation Area (CA) is recognised for containing large residential period properties set within substantial plots. Properties within the CA contribute towards an attractive suburban and residential setting.
9. I am conscious of my legal duty under Section 72(1) of the Town and Country Planning Listed Building and Conservation Area Act 1990 (the Act), to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
10. I accept that the introduction of a commercial use has the potential to alter the residential character of the CA. However, there are no external building alterations proposed to consider. Moreover, the impact of the anticipated two employees visiting the site for employment would be a modest change to the character of the property. From public vantages or within the confines of the site itself the change would not be harmful.
11. Therefore, I conclude there would be no harm to the special character and appearance of the CA. I find there would be no conflict with Policy HE5 of the Wolverhampton Unitary Development Plan 2011 (WUDP) which seeks that new development should preserve or enhance all features which contribute positively to the area's character or appearance.

Living conditions

12. There is no substantive evidence that the proposed use would introduce noisy activities leading to a source of nuisance. A small uplift in vehicle movements would be associated to the property. But its grounds are substantial and served by a private driveway off Penn Road. As a result, the change is unlikely to result in any material detriment to neighbouring occupiers.
13. Overall, there is nothing before me suggest that a small-scale office use would not be compatible with other existing residential properties. Thus, I find no conflict with BCCS policy CSP4 or Policies EP5 and B5 of the WUDP which seek to protect the amenity of existing and neighbouring occupiers.

Planning Balance and Conclusion

14. Whilst there would be no harm to the CA or to neighbouring living conditions the proposal would still conflict with an important strategic aim of the development plan. There would be conflict with the adopted policies which focus office uses towards the hierarchy of city, town, district, and local centres. This would erode the vitality of such centres if not upheld.
15. There are no other material considerations of sufficient weight which lead me to the conclusion that the appeal scheme should be anything other than in accordance with the development plan.
16. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR