



Appeal Decision

Site visit made on 7 September 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/G4620/W/21/3276836

162 Abbey Road, Smethwick, B67 5NW

- 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 Richard Daly against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/21/65226, dated 3 February 2021, was refused by notice dated 20 May 2021.
 - The development proposed is described as reconfiguring existing 4 apartments to provide additional 2 apartments. Extension to the front first floor elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows;
 - The effect of the proposal on the character and appearance of the host building and surrounding area; and
 - Whether the proposed development would provide for a satisfactory standard of accommodation for future occupiers with regard to internal amenity space.

Reasons

Character and appearance

3. The appeal site is located in an area that has a mix of commercial and residential uses, where commercial uses are located at ground floor with residential accommodation above. Residential accommodation is also provided in the form of detached and semi-detached dwellings. There is much variation in the design of buildings which have been developed over time, albeit there is a general consistency in that buildings are finished in red/buff brick and render under a tiled roof. Bay windows are a characteristic feature of dwellings in the area. Buildings are generally set back from the road with garden/parking area to the front. The appeal site is located on a prominent corner plot at a junction with several roads and is therefore highly visible in the street scene.
4. The appeal building is one half of a pair of semi-detached two storey buildings that have been converted into flats. Whilst the pair have been altered over time, they retain a set back at first floor level and bay window. The setback allows the original form of the building to be easily read.

5. The proposal would introduce a flat roof extension to the first floor of the appeal building, removing the set back and bay window. There are no other similar first floor extensions to that which is being proposed. As such, the proposal would erode the character and appearance of the building and would draw the eye and represent an incongruous feature within the overall street scene. Despite the use of matching materials, the proposed development would be an unduly dominant and incongruous feature.
6. I conclude that the proposed development would have a harmful effect on the character and appearance of the host building and surrounding area. Therefore, it would not accord with Policy ENV3 of the Black County Core Strategy (2011) (CS) or Policy SAD EOS9 of the Site Allocations and Delivery Development Plan Document (2012) (DP) which, amongst other things, seek to ensure that development strives for the highest possible design standards and is not out of scale or incompatible with its surroundings. It would also not meet the aims of paragraph 130 of the National Planning Policy Framework (the Framework) in terms of ensuring that development is sympathetic to local character.

Living conditions

7. The appellant has stated that the proposed apartments, which are all studio apartments, would have an internal floor area that would comply with the nationally described space standards¹ (NDSS). The NDSS provides guidance on the minimum internal space requirements, with 37 square metres set as the minimum standard for a one-bedroom one-person studio where a shower room is provided. The Council's Revised Residential Design Guide² (RDG) provides guidance that studio flats should have a minimum space standard of 40 square metres.
8. Whilst the Council have stated that all the proposed apartments would fall below these thresholds, details provided with the application demonstrate that the floorspace for the apartments would be between 37 and 39 square metres. As such, they would comply with the NDSS and are only marginally beneath the guidance contained within the RDG.
9. Given that the proposal would comply with the NDSS, which provides minimum standards that are intended to act as a benchmark for high quality design, the proposed floorspace provision would be adequate and would provide satisfactory living conditions for future occupiers.
10. Notwithstanding the floorspace guidance contained within the RDG, I conclude that the proposed development would provide appropriate living conditions for future occupiers with regards to internal amenity space. Therefore, it would comply with the guidance contained within the NDSS which, amongst other things, seek to ensure that development provides adequate internal amenity space. It would also meet the aims of paragraph 130 of the Framework in terms of ensuring that development has a high standard of amenity for future users.

Other Matters

11. I note the comments made by the appellant regarding the need for affordable small rental properties. However, I have not been provided with any evidence

¹ Technical housing standards – nationally described space standard (March 2015)

² Sandwell Metropolitan Borough Council Revised Residential Design Guide Supplementary Planning Guide (2014)

of the demand for such properties, as such I can only afford this matter limited weight. In any event, I have found harm with regards to the impact of the proposal on the character and appearance of the area. I ascribe significant weight to this harm which would be long lasting

Conclusion

12. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant considerations, the appeal should be dismissed.

Tamsin Law

INSPECTOR