



Appeal Decision

Site visit made on 4 November 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/G4620/W/21/3274452

220 Toll End Road, Tipton, West Midlands DY4 0HF

- 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 Huaqiu Huang against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/64183, dated 3 March 2020, was refused by notice dated 7 March 2021.
 - The development proposed is pair of semi-detached 3 bedroom houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) the effect of the proposed development on the character of the area; ii) the quality of the proposed accommodation with regard to private amenity space; and iii) the effects of the proposal on highway safety.

Reasons

Character of the area

3. The appeal site comprises a vacant plot which occupies a prominent position on the corner of Toll End Road and Moors Mill Lane. The proposed dwellings would face Toll End Road. Development along here is a mix of residential and commercial units.
4. Most notably, on the junction where the appeal site is located, the retail premises to the north are set behind a deep and wide frontage. Opposite this property on the corner of Toll End Road and Aston Street is a landscaped green space. Dwellings across from the appeal site along Toll End Road are setback from the highway behind landscaped frontages with low fencing. Together, the arrangement of these buildings and spaces contribute to the open and spacious setting at this junction, in an otherwise built-up area.
5. In contrast, although the proposed dwellings would be set back from Toll End Road, due to the width of the development block, this, in part would be relatively close to the pavement along Moors Mill Lane and would therefore appear cramped. Furthermore, due to this arrangement, along with the largely blank flank elevation of the proposed block and the site's prominent location, the proposed development would be unduly dominant within the street scene

and therefore would harm the spacious character of the immediate area and represents poor design. I, therefore, find conflict with Policy ENV3 of the Black Country Core Strategy adopted February 2011, which seeks to secure high-quality design, and Policy ES09 of the Site Allocations Plan Document adopted December 2012, which requires that poor designs are rejected, particularly those that are inappropriate in their locality.

Amenity space

6. Both proposed dwellings incorporate three bedrooms each and are therefore suitable for family accommodation. The Council's adopted Supplementary Planning Guidance on Residential Design (Design Guide) requires that family housing must be designed with private amenity space of no less than 70 sq.m. in area or 10.5m in length. The amenity space to the plot nearest to Moors Mill Lane is about 10.5m in length when considering the land to the side. However, based on the drawings before me, I cannot be certain that this would be screened and therefore private. The amenity space for the second plot fails to meet the Council's size requirements.
7. Therefore, these dwellings fail to provide suitable private amenity space which is necessary to secure high standards of amenity for the occupiers of these dwellings. This is contrary to the Council's Design Guide, and Paragraph 130 of the National Planning Policy Framework, which amongst other things seeks to secure high standard of amenity for future users.

Highway safety

8. Four parking spaces are proposed (two for each dwelling) these would be arranged side by side, along the front of the proposed dwellings. This arrangement is such that vehicles would need to reverse in or out of these spaces off a heavily trafficked main road near a junction. This would be particularly difficult when any of the other spaces are in use. Such an arrangement would create a potential point of congestion and conflict between emerging vehicles, resulting in increased danger and reduced highway safety for pedestrians, cyclists, and drivers. This would be contrary to the aims of Paragraph 112 of the Framework, which along with other things, requires new developments to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

9. The appellant advises that in designing the submitted scheme he has considered concerns raised by the Council in respect of a previous scheme. However, as I have limited information in respect of that scheme and a previous planning permission (DC/10/52147) for development at the site, I am unable to draw any meaningful conclusions in respect of these.

Conclusion

10. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR