

Appeal Decision

Site visit made on 23 May 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/C4615/D/22/3295198
110 Haden Hill Road, Halesowen, B63 3NG

- 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 Spencer against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1939, dated 15 October 2021, was refused by notice dated 5 January 2022.
 - The development proposed is creation of dropped kerb and vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and upon highway safety.

Reasons

3. The appeal property is a two-storey terraced dwelling with a fairly shallow frontage enclosed by low brick walls to the front and sides. There is a pedestrian access from the pavement with steps leading up to the property's front door. Nos 110 and 108 are handed versions of each other, with a shared pedestrian access way centrally positioned between both. The proposal is to lower the kerb at the roadside to create a pavement crossing for a car to park on the frontage parallel to the highway. To facilitate this the front boundary wall would be removed and new stairs to the front door would be provided in a more recessed position, with the existing wall to the side adjacent to No 112 shown on the proposed plans to be retained, despite some apparent suggestions to the contrary. The wall adjacent to the shared access with No 108 would be demolished.
4. The Council's *Parking Standards Supplementary Planning Document* (2017) gives the minimum size for a parking space as 2.5m x 5.3m. The plans show dimensions for the area in front of No 110 as 270 cm x 507cm. This falls short of the standard length for a normal parking space. Moreover, the space is

dependent upon use of the full width of the shared access entry with No 108, which falls outside of the application's red line site boundary.

5. The sub-standard length of the space demonstrates to me that the area would be constrained and incapable of comfortably accommodating a reasonable sized parking space, regardless of the neighbour's agreement to use of the width of the shared pedestrian access. The existing walled garden, which is a typical feature for a property of this age and type, and which is characteristic of many of the other terraced properties along this side and stretch of Haden Hill Road, would be lost in favour of a featureless, open fronted hard surface. There would be no reasonable means to control the size of car owned by any occupier of the property. Although the appellant's current car may fit on plan, most parked vehicles would be likely to appear squeezed onto a space unintended for such use and visually dominant. This would be to the detriment of the visual setting of No 110 and the wider street scene, and in an area that is identified by the Council as an Area of High Historic Townscape Value (AHHTV) where complementary good design is required by Policy S12 of the Dudley Borough Development Strategy 2017 (DBDS).
6. Parking parallel to the road normally requires considerably more space than the size of a typical parking bay. This is often illustrated by a swept path analysis to show the tracking of a vehicle as it manoeuvres. No such information is provided. At just over 5m, the length of the space would provide no margin to enable a vehicle to easily park. The manoeuvre would not be straightforward and would be across a pavement and potentially between other parked cars, either on the roadside or on adjacent land. Due to the limited space available and potential for restricted visibility, there would be risk that a car either attempting to access or leave the appeal site would seriously compromise pedestrian safety along the footpath and the safety of drivers and cyclists passing on the road.
7. I am mindful of the examples at Nos 106, 112 and 114 given by the appellant where the frontages to these other properties along this terrace are hard-surfaced and pavement crossovers are provided to give vehicular access for parking. The Council has pointed out that only No 114 has the benefit of a planning permission (Ref P01/1742). I do not know the circumstances that were prevailing at No 114 when planning permission was given, although I note that the decision pre-dates the current development plan. In addition, the frontages at Nos 112, 114 and that at No 106, appear to me as harsh and unsympathetic to the styles of the dwellings. Furthermore, the plot widths to houses along the terrace vary to some degrees. I am not persuaded the circumstances as they relate to highway safety issues are directly comparable to the current appeal proposal. Neither do I consider the absence of any accident records along this stretch of Haden Hill Road to be an indicator that the proposal would not result in potential detriment to pedestrian or driver safety.
8. The examples given at Nos 38, 40, 42 and 46 Haden Hill Road relate to terraced properties with noticeably deeper frontages compared with No 110. A suggestion by the appellant that these parking spaces do not meet the Council's minimum dimensions is not supported by any substantive evidence. The circumstances here are not comparable with the appeal proposal.

9. I appreciate that the proposal seeks to facilitate an electric vehicle charging point within the curtilage of the property and I am mindful that this would make a small contribution to national electric vehicle targets. The proposal would also have the advantage of allowing the appellant to charge their vehicle without the inherent problem of cables crossing the public footpath. Nevertheless, when considered in the round, I find that the benefits do not outweigh the harms that I have identified. I have noted the recent installation of double yellow lines on the opposite side of Haden Hill Road but I have no evidence to suggest that there is parking stress on the highway that would justify the proposal.

Conclusion

10. For the reasons given, I find that the proposal would be harmful to the character and appearance of the area. It follows therefore that it would negatively impact the significance of the AHHTV as a non-designated heritage asset. The failure to demonstrate good design that would preserve or enhance local character would conflict with Policy ENV2 of the Black Country Core Strategy 2011 (BCCS) and Policies S8 and S12 of the DBDS. The harm that I have identified to safety on the highway means that there would also be conflict with BCCS Policy Tran2 and DBDS Policies L1 and S17. Given these findings, there would also be conflict with the National Planning Policy Framework's objectives for achieving well-designed places and for promoting sustainable transport.
11. I have noted the support expressed from some interested third parties but neither this, nor any of the other matters raised, alters my conclusion that the appeal should fail.

John D Allan

INSPECTOR