



Appeal Decision

Site visit made on 23 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/R1845/W/22/3291624

Land to the rear of 5 Adam Street, Kidderminster DY11 6PS

- 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 Steven Greybanks of Central Building Design Ltd against the decision of Wyre Forest District Council.
 - The application Ref 21/0441/FUL, dated 22 April 2021, was refused by notice dated 15 October 2021.
 - The development proposed is a new bungalow, with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a new bungalow, with associated parking and landscaping at the land to the rear of 5 Adam Street, Kidderminster DY11 6PS in accordance with the application Ref 21/0441/FUL, dated 22 April 2021, subject to the conditions in the Schedule to this decision.

Procedural Matter

2. The Wyre Forest Core Strategy (2010) and the Site Allocations and Policies Local Plan (2013) referred to by the Council in its decision notice have been superseded by policies in the Wyre Forest Local Plan (2022) (LP) which has been adopted since the appeal was submitted. Both parties have commented upon this change in policy and thus neither party has been prejudiced by this change.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposal upon highway safety.

Reasons

Character and appearance

4. The appeal site is formed of a detached garage, hardstanding and incidental grassed areas located behind dwellings on Adam Street. The surrounding area is predominantly residential and contains properties that vary in terms of age, scale, design and plot size and shape resulting in a diverse character.

5. The proposal involves the conversion of an existing garage into a single dwelling which would benefit from its own private amenity space. The proposal also includes reconfiguration of the parking area serving other nearby dwellings.
6. It would be sited behind existing development resulting in a proposed development whereby the amenity space would be located to the side of the dwelling. It has been designed to utilise the existing building and comfortably accommodates the proposed dwelling, garden area and parking area. Whilst the proposed dwelling would not follow the general convention the proposed layout would not be harmful to its character and appearance given the variety of property design, plot shapes and sizes that exist in the surrounding area.
7. Taking these factors into account I find that the proposed development would successfully integrate into the area and would not unduly undermine its character and appearance. It would accord with LP Policies SP.20 and DM.24 which, amongst other things, seek high quality design which integrates effectively with its surroundings.

Highway safety

8. Adam Street is a quiet residential street and at the time of the site visit I observed low levels of traffic and on street parking. Whilst this is a snapshot in time there is nothing to indicate that this is untypical. The access drive is positioned between two dwellings, broadly U shaped and is generally wide enough for a single vehicle, but along its entire length it varies in width.
9. I acknowledge that visibility would be restricted on account of the presence of the proposed boundary treatment and the access drive varies in width. However, the proposed development would be small scale and unlikely to generate significant levels of traffic. In addition vehicles are likely to be travelling at very low speeds given the alignment of the access drive.
10. Whilst the parking area would serve a small number of other properties, I am satisfied that pedestrians nor vehicles would be unduly inconvenienced or endangered by the modest increase in activity along the access drive and in the parking area.
11. The displacement of a small number of resident's vehicles or visitors onto the road is unlikely to lead to parking stress or unduly affect highway safety.
12. Consequently, I find that the proposal would not unduly affect highway safety. It would accord with LP Policy DM.24 which, amongst other things, seeks satisfactory access and provision for the parking, servicing and manoeuvring of vehicles.

Conditions

13. I have considered the imposition of conditions in relation to the contents of both the National Planning Policy Framework and Planning Practice Guidance.
14. In addition to the standard three-year time limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. A condition relating to the external materials and hard surfacing has been imposed to ensure a satisfactory appearance.

15. A condition relating to the access, turning, parking areas for cars is relevant in the interests of highway safety. A condition requiring the development to be carried out in accordance with recommendations set out in the submitted Arboricultural Impact Assessment has been imposed in the interests of environmental sustainability.
16. The Council has suggested a condition for the parking area to be of a permeable surface and for it to be maintained. However, the hard surfacing forms part of the materials condition imposed and the proposed development must be carried out in accordance with these details. Furthermore, the informative nature of this condition indicates it is not necessary. Thus, it is not necessary to impose a separate condition.

Conclusion

17. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Survey as existing Drawing Number 3951-02 and Proposed conversion and extension to form 1 bedroom unit Drawing Number 3951-01D.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted including hard surfacing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until space has been laid out within the site in accordance with Drawing Number 3951-01D for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 5) The development hereby permitted shall be carried out in accordance with the tree protection measures set out in the Arboricultural Impact Assessment.