



Appeal Decision

Site visit made on 11 October 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/C4615/W/22/3301584

80 Parkes Hall Road, Woodsetton DY1 3RW

- 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 Shoaib-Ur Rehamn Qari against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/0363, dated 8 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is extension to create proposed ground floor flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on highway safety, with particular regard to parking provision;
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposal on the living condition of existing occupants of 80 Parkes Hall Road, with particular regard to access to private garden space; and
 - whether the proposal would provide suitable living conditions for its future occupants, with particular regard to outlook and access to private garden space.

Reasons

Highway Safety

3. The appeal site is located in a residential area with reasonable accessibility to buses as well as access to a range of goods and services on foot. Therefore the site is in a location where there would be opportunities for accessing a range of services without the need for travel by private car. However, the proximity of the site to services and facilities, and the availability of alternatives to private vehicular use, does not inherently mean that individuals will elect not to use private cars. That is effectively a personal choice.
4. Houses in the locality generally appear to have driveway parking or access to a parking court. The prevalence of cars parked on driveways and in the parking

court adjacent to the site points to a reasonable degree of reliance on travel by private car amongst occupants of nearby houses. No robust evidence is before me to indicate otherwise. It therefore seems reasonably likely that future occupants of the proposal would opt to travel by private car. There is also no mechanism before me, nor one I can legitimately impose, preventing future occupants from making use of private vehicles should they so wish. It is inevitable in that context that individuals would seek to park close to the proposal.

5. In the vicinity of the appeal site, Parkes Hall Road (the Road) slopes down from south to north. At the time of my mid-morning site visit there was a steady flow of traffic on the Road. The appeal site is located at the start of a bend in the road when travelling towards Parkes Hall Pool. Markings on the road advise drivers to slow, which is likely due to the combination of the road gradient and bend. There are no parking restrictions on the road to prevent on-street parking by future occupants of the proposal. Parking of a vehicle on the road so as to avoid obstructing the pavement would likely require traffic, including buses, to encroach on the opposite side of the road. Therefore, in the circumstances of this case I find that on-street parking would pose an unacceptable risk to highway safety.
6. I note the letter from the owner of 78 Parkes Hall Road confirming their agreement to sharing of car parking spaces between the commercial use at 78 Parkes Hall Road and 80 Parkes Hall Road. However there would be no guarantee that such an arrangement would remain in place for the foreseeable future. The opening hours of the existing barbershop might limit the potential overlap in demand for parking between its customers and future occupants of the proposal to a certain extent. Nevertheless a reasonable degree of overlap in demand between future occupants of the proposal and customers would be likely. Moreover opening hours could reasonably change or be extended over time to suit the needs of the business or any future occupants of the premises. Therefore access to parking for future occupants could be further restricted. No robust evidence is before me to the contrary.
7. Accordingly, in the absence of any additional parking provision I conclude that the proposal would have an unacceptable effect on highway safety, with particular regard to parking provision. Therefore, the proposal would be contrary to Policy L1 of the Dudley Borough Development Strategy (March 2017) (Development Strategy) which requires that housing developments include suitable parking provision without harm to highway safety and free flow of traffic. The proposal would not be supported by Policy TRAN2 of the Black Country Core Strategy (February 2011) (Core Strategy) which advises against granting planning permission where proposals are likely to result in significant transport issues unless proposals achieve a suitable level of accessibility and safety for all transport modes.
8. It would also be contrary to paragraph 111 of the National Planning Policy Framework, which states that proposals should be refused on highways grounds if there would be an unacceptable impact on highway safety. In addition, the proposal would not comply with the Council's minimum car parking standard for a one bedroom house as set out in the their Parking Standards Supplementary Planning Document (September 2017).

Living conditions of existing occupants

9. The existing building contains a two-bedroom flat at first floor level. The appellant advises that occupants of the existing flat do not have access to the rear garden and I have no evidence to the contrary. Consequently the proposal would not impact on the existing occupants' access to private garden space. Therefore the proposal would not harm the living conditions of existing occupants of 80 Parkes Hall Road, with particular regard to access to private garden space.
10. Accordingly, with respect to this main issue I find no conflict with Policy L1 of the Development Strategy which amongst other matters, requires that development does not harm the amenities of existing occupants of neighbouring properties.

Living conditions of future occupants

11. The proposed flat would overlook its garden area with a separation distance shown as just over 4m to the side boundary fence. Though not extensive, I am satisfied that such an outlook would be acceptable. In addition, as ground levels fall away slightly in that direction the view from habitable room windows of the proposal would not be oppressive. Therefore, it would provide acceptable living conditions for future occupants of the proposal with respect to outlook.
12. Future occupants of the proposal would be provided with a modest area of private garden space. Whilst relatively compact, sufficient space would be provided for activities such as sitting outside and the drying of clothes. As reasoned above, the space would be solely for the future occupants of the proposal. On that basis, I note that the garden size would exceed the Council's minimum standard for garden space of 30 sqm for a new flat, as set out in the New Housing Development Supplementary Planning Document (2013) (New Housing SPD).
13. The garden would be overlooked by occupants of the existing first floor flat, which is not uncommon for ground floor flats. However, the garden area would also be overlooked at close range by the rear of the ground floor commercial premises. In addition, there would be direct access to the rear garden area from the rear of the commercial premises, with the door on to the garden shown as retained on the submitted plans. It may be possible for the scheme to be revised to remove that rear access and prevent overlooking from the commercial premises, without placing undue restrictions on the operation of the commercial premises. However, no such proposal is before me.
14. Accordingly, whilst the proposal would provide acceptable living conditions for its future occupants with respect to outlook, it would not provide suitably private outdoor garden space. As such, it would be contrary to Policy L1 of the Development Strategy which requires that proposals achieve suitable living conditions for future occupants. It would also be contrary to Policy S6 of the Development Strategy which offers support for sustainable development that is appropriately designed. Furthermore it would conflict with the requirement in Policy HOU2 of the Core Strategy for housing to be designed to be high quality and minimise impacts on amenity.
15. Similarly, it would be contrary to paragraph 130 of the Framework which seeks to ensure developments achieve a high standard of amenity for future users.

Furthermore, the proposal would not be in compliance with the New Housing SPD which requires consideration of the impact on residential amenity for proposals involving development in rear gardens (paragraph 5.18).

Character and appearance

16. The appeal site is within a predominantly residential area where there are a mix of housing styles including traditional semi-detached houses with hipped roofs, as well as semi-detached houses with pitched roofs and side facing gables. The site is also adjacent to a newer development comprising two storey houses with front dormer windows in the roof (82-90 Parkes Hall Road).
17. The proposed development involves very little change to the front elevation of the property. The front door to the proposal would be adjacent to the groundfloor access to the first floor flat and would front onto the Road, albeit set back from it. Therefore the effect of the proposal on the character and appearance of Parkes Hall Road would be negligible. There would be no change to parking layout. The side elevation of the proposed accommodation would be visible from some houses and the parking area at 82-90 Parkes Hall Road. However it would appear as an extension of the side boundary wall and therefore would not appear unduly prominent.
18. Accordingly, the proposed development would not harm the character and appearance of the surrounding area. Therefore with respect to this main issue it would not conflict with Policies HOU2, CSP4, ENV2 and ENV3 of the Core Strategy, and Policies L1 and S6 of the Development Strategy with respect to the effect of the proposal on the external appearance of the area.

Other Matters

19. The Council's decision notice references Policy HOU1 of the Core Strategy. This relates to the aspiration for delivery of sustainable housing growth, of which at least 95% is to be built on previously developed land. Whether or not the appeal site represents a previously developed site, the proposal would deliver one new dwelling which would represent a small contribution to the Council's overall housing supply. Furthermore, the construction of the dwelling would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute benefits in social and economic terms.
20. However, I have found that the proposal would harm highway safety and would not provide acceptable living conditions for its future occupants with respect to privacy in its garden space. Therefore, despite some areas of policy compliance, the proposal as a whole would not represent good design and would conflict with Policies HOU2 and ENV3 of the Core Strategy, and Policies L1 and S6 of the Development Strategy. As such it would conflict with the development plan when considered as a whole.

Conclusion

21. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR