



Appeal Decision

Site visit made on 22 November 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/V4630/W/22/3301816

Portland Chiropractic Clinic Ltd, 11 Portland Road, Aldridge WS9 8NS

- 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 Taylor (Portland Chiropractic Clinic Ltd) against the decision of Walsall Council.
 - The application Ref 21/0959, dated 15 June 2021, was refused by notice dated 11 February 2022.
 - The development proposed is erection of single storey detached building to be used as a treatment facility at Portland Chiropractic Clinic.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The proposal's effect on the character and appearance of the surrounding area.
 - Whether the proposal has demonstrated adequate emergency service access.

Reasons

Character and Appearance

3. The appeal site is a garden plot located to the rear of 11 Portland Road (No 11), which is a semi-detached two storey building that is currently used as a chiropractic clinic. The site has vehicular access to the side of No 11, which leads to an existing car parking area positioned behind the building.
4. Permission is sought for a detached building to be used as a treatment facility for the chiropractic clinic. The proposed building would be sited adjacent to the existing car parking area to the rear of No 11.
5. The existing properties along Portland Road are predominantly residential properties that are characterised by long private rear gardens. There are also a small number of non-residential uses nearby, located within former residential properties. There is consistency in the existing properties, in that they follow established building lines and generally have a presence within the street-scene, which creates a strong pattern of development.

6. The proposal would introduce a detached single storey building on land beyond the rear building line of the existing residential development. Whilst the flat roof design would give the proposal a low profile, the proposed building's footprint would cover a large portion of the appeal site, extending to the site's rear boundary. Moreover, the proposed building would extend almost the entire width of the site, with its side elevations in close proximity to the adjoining residential garden boundaries. Its height would also be taller than the existing boundary fencing. This would result in a building of considerable bulk and mass with a large expanse of flat roofing.
7. Consequently, the siting, scale and mass of the proposed building would be out of keeping with the prevailing pattern of the surrounding development. The proposal would create an incongruous form of development adjacent to a well-established rear garden environment and would not respond positively to the overriding spacious character of the area.
8. Although the backland siting of the proposal would, to some extent, limit its wider effect on the character and appearance of the area, the building would nevertheless be noticeable from neighbouring/nearby properties and their rear gardens. Furthermore, glimpses of the proposal would be visible to passers-by from Portland Road via the access route to the side of No 11.
9. Whilst the proposed timber cladding would help to assimilate the proposal with the existing boundary fencing, this would not alleviate the harm that would be caused by the scale and massing of the proposal to the prevailing character of the area.
10. The appellant has drawn my attention to two large single storey garage blocks at Portland Court that are visible from Portland Road. However, these garage blocks are of narrower footprint and lesser bulk when compared to the appeal building and would have been designed with associated car parking as part of the Portland Court residential development. These blocks are therefore not directly comparable to the proposal before me which is for a large building on an existing garden plot. Furthermore, there are no other examples of similar backland development on Portland Road. In any event, I have determined this appeal on its own merits.
11. I acknowledge that there are some outbuildings within the surrounding residential plots. The appellant has also drawn my attention to photographs of garden rooms in their Planning Statement. Nevertheless, these are smaller than the proposal before me and would be used for domestic purposes.
12. For the reasons given, the proposal would cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would fail to accord with Policies HOU2 and ENV2 of the Black Country Core Strategy (2011), and Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan (2005) (the UDP). Collectively these policies, amongst other things, seek to ensure new developments achieve high quality design, respect local distinctiveness, preserve or enhance local character, and take account of the surrounding context. It would also fail to accord with the design objectives of the National Planning Policy Framework (July 2021) (the Framework).
13. In reaching this conclusion I have had regard to the guidance contained within the Council's Designing Walsall Supplementary Planning Document for Urban

Design (2013), which sets out urban design guidelines for the borough of Walsall.

Access for Emergency Services

14. The Council has raised concern that the access to the proposed development by emergency services would be impeded by its narrow width and not accommodate a suitable turning facility for a pump appliance on site, and that the proposed building would not be located within a 45m distance from a pumping appliance.
15. In recognition of these access difficulties for emergency services, West Midlands Fire Service indicates that a compensatory sprinkler suppression system should be installed into the proposed development to provide adequate fire safety assurances. The appellant suggests that the relevant details could be secured by condition and, in the absence of persuasive evidence to the contrary, I concur with this.
16. Whilst the Fire Service has also indicated that, due to the length of the proposed building, an additional fire exit could be required, this matter could be considered and resolved through the building regulations process.
17. Consequently, I conclude that the proposed access would be adequate to serve emergency service vehicles. Therefore, for this main issue, I find no conflict with the Framework or Policies GP2 and ENV32 of the UDP, which aim to ensure that access to the proposed development is adequate.

Other Matters

18. I have noted objections/concerns raised by interested parties with respect to matters including the effects upon neighbouring living conditions, highway safety, flood risk, and protected trees. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.
19. The proposal would benefit from good access to means of transport other than private car, including via bus links that go to and from Aldridge Town Centre. The proposal would enhance existing health facilities and provide a bespoke facility for the rehabilitation of existing and future private clients of the business. It would also provide a rehabilitation and joint injection function that would be unique to the area. However, given the specific nature of the facility and its relatively modest extent, these benefits would attract limited weight that would not outweigh the harm identified to the character and appearance of the area.

Conclusion

20. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR