



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/22/3303093

75 New Road, Willenhall WV13 2DA

- 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 Sajad against the decision of Walsall Council.
 - The application Ref 20/0964, dated 11 August 2020, was refused by notice dated 12 July 2022.
 - The development proposed is conversion of detached property to 5 self-contained apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the surrounding area, having particular regard to the effect upon the significance of a non-designated heritage asset and a Grade II Listing Building; and
 - the living conditions of the future occupiers of 75 New Road, having particular regard to outdoor amenity space.

Reasons

Character and Appearance

3. The appeal site comprises a detached two storey building at 75 New Road (No 75). No 75 is locally listed as a non-designated heritage asset. Its significance relates, in part, to its architectural detail and a shallow gabled slated roof, which make a positive contribution to the character and appearance of the surrounding area. New Road is characterised by period buildings dating from the Victorian era, together with later 20th Century development.
4. The National Planning Policy Framework (Framework) states that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness. In terms of non-designated heritage assets, the Framework at paragraph 203 requires that a balanced judgement is made when assessing the application, having regard to the scale of any harm or loss and the significance of the heritage asset.
5. Directly opposite No 75 is the National Lock Museum at 54 New Road (No 54). This building is designated as a Grade II Listed Building. The significance and

special interest of the building is derived, in part, from its age, its relevance to the historic lock making industry in Willenhall, its historic building fabric and its attractive aesthetic appearance. The significance and special interest is further underpinned by the period buildings within its setting, which is contributed to in no small part by the appeal building (No 75).

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. The proposed rear dormer windows would incorporate a substantial section of flat roof and would occupy a significantly large portion of the appeal building's rear roof slope. Consequently, its appearance would dominate the modestly proportioned rear roof slope to the detriment of the appearance of the building. Furthermore, the proposal would include a rear facing roof light. In this regard, the insertion of the rear dormers of the size proposed alongside the proposed rear roof light, would appear visually intrusive on the shallow rear roof slope of the building. How screened the proposal may be from the street scene would not acceptably reduce the design harm that would arise.
8. The proposal includes a considerable number of rooflights to its front roof elevation. As such, the proposal would result in an incongruous addition that would be out of keeping with the simple composition of the building's shallow slated roof form, which contributes positively to the building's heritage significance. Consequently, the proposal would cause harm to the non-designated heritage asset.
9. Furthermore, the proposed front-facing roof lights would be visible to passers-by upon approach from New Road. Moreover, given the appeal site's close proximity to No 54, there would be unimpeded viewing of the roof lights at close proximity from the listed building and its setting. Consequently, the proposal would have a harmful impact on the setting of the listed building.
10. The proposal would also include an extension and external alterations to the appeal building's existing rear single storey extension. Based on my observations and the evidence before me, I have no reason to consider that this existing extension has any historical significance. Therefore, this element of the proposal would not be harmful to the significance of the non-designated heritage asset or the Grade II Listed Building. Nevertheless, these neutral matters do not weigh in favour of the proposal.
11. For the reasons given above, the proposal would cause unacceptable harm to the significance of the appeal building as a non-designated heritage asset, and harm to the significance and special interest of the Grade II Listed Building by virtue of the proposal's visible influence within its setting. I would qualify that the degree of harm would, in each case be less than substantial. In accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
12. The proposal would deliver 5 residential apartments that would contribute to the local housing supply, providing social and economic benefits. It would also bring forward a brownfield development that would reuse an existing building in an accessible location to local services and facilities. However, given the

small scale of the proposal, it would attract only limited weight as a scheme benefit.

13. Accordingly, giving great weight to the conservation of the designated heritage assets, I consider that the less than substantial harm I have identified would not be outweighed by the scheme's public benefits when considered cumulatively.
14. For the reasons given, the proposal would cause unacceptable harm to the character and appearance of the surrounding area and to the significance of the non-designated heritage asset and the significance and interest of the Grade II Listed Building.
15. As such, the proposal fails to accord with Policies ENV2, ENV3, CSP4 of the Black Country Core Strategy (2011) (Core Strategy), and Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan (2005) (UDP). Collectively, these policies, amongst other things, seek to ensure new development achieves high quality design that protects local character and conserves and enhances the significance of heritage assets, including their settings. In addition, the proposal would not accord with the policies of the Framework (Section 16) which seek to conserve and enhance the historic environment.
16. 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) (SPD), which sets out the design guidelines for the borough of Walsall.

Living Conditions

17. The proposal would make provision for two areas of outdoor amenity space to the rear of No 75. These areas would be shared by the future occupiers of No 75.
18. The proposed outdoor amenity space that would be located at the rear of the appeal site would be of limited size. Therefore, its use as a shared space would feel constrained, reducing unacceptably its quality and level of practical use. Furthermore, the outdoor space nearest to the building would be an awkwardly shaped strip of land that would limit its usability.
19. I find that these two spaces would not be large enough to provide sufficient space for the needs of future occupier's, such as bin storage, clothes drying and outdoor seating. Consequently, the proposal would not provide adequate living conditions for the future occupants of No 75, having regard to the amount of amenity space.
20. As such, the proposal would fail to accord with Policy CSP4 of the Core Strategy, where it seeks to ensure new development supports the well-being of the area's inhabitants. In addition, the proposal would also fail to accord with the Framework (para 130), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.
21. In reaching this conclusion I have had regard to the guidance contained within the Designing Walsall SPD (2013), which sets out the design guidelines for the borough of Walsall.

22. The Council's decision notice makes reference to Policies GP2 and ENV32 of the UDP, and Policy ENV3 of the Core Strategy. However, these policies do not relate specifically to living conditions. Therefore, I did not find these policies to be relevant to this main issue.

Other Matters

23. The Council claim that the internal floor area of the proposed apartments would be below the minimum set out by the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS). However, the NDSS is advisory in nature and is not referred to in the Council's Core Strategy or UDP.
24. The Council has raised no objection in respect of the proposal's effect on the nearby Willenhall Conservation Area. Based on the evidence before me and the observations I made during my site visit, I find that it would have a neutral effect on the significance of this heritage asset and would preserve its setting. However, this is a neutral effect and does not weigh in favour of the proposal.

Planning Balance

25. Although there would be some benefits to the proposal, as set out above, these benefits would attract only limited weight and would not outweigh the harm identified.
26. Lack of a 5-year housing land supply means that the policies which are most important for determining the proposal are out-of-date in accordance with paragraph 11d) of the Framework. However, part ii. of paragraph 11d) clarifies that permission should not be granted if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As I have explained, the harm I have found arising from this proposal is so significant that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. This provides a clear reason for refusing the development. Therefore, the proposal would not benefit from the presumption in favour of sustainable development in this instance.

Conclusion

27. The proposal conflicts with the development plan when read 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