



Appeal Decision

Site visit made on 29 November 2022

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/C4615/W/22/3302730

129 High Street, Pensnett DY5 4EA

- 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 M Singh against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/0117, dated 20 January 2022, was refused by notice dated 9 June 2022.
 - The development proposed is change of use to first floor and part of the ground floor, and two storey rear extension to create 5 x 1 bedroom apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development was amended during the planning application process. It had originally included the conversion of the whole of the host building to a five bedroom house in multiple occupation with a further detached dwelling at the rear of the site. The appellant and Council agreed to a change of description which better reflects the amended scheme of development. The description in the header above has been taken from the altered description of development.

Main Issues

3. The main issues are:
 - Whether the proposal would provide a suitable level of living conditions for future occupiers; and,
 - The effect of the proposal on highway safety as a result of parking.

Reasons

Living Conditions

4. The appeal site contains a semi-detached building that contains a dwelling and retail unit. The dwelling is accessed from Birds Meadow while the shop is accessed from the High Street, there is a garden to the rear of the site.
5. The Council has made reference to the optional standards set out within the Technical Housing Standards – Nationally Described Space Standard (the THS). The THS sets out, amongst other things, the minimum floorspace for new dwellings. However, it is clear from the submissions before me that the Council

have not adopted the THS as part of their local plan. Nevertheless, it can still provide a useful starting point for the assessment of what amounts to a reasonable sized dwelling,

6. In this case it is agreed between the parties that proposed units 1, 3 and 5 would provide floor space that is of an appropriate scale to provide suitable living conditions. Units 2 and 4 however, are significantly smaller, providing 19m² and 18m², respectively. The two units are both described as a 'studio flat' and so I find that future occupiers would need the units to function as a living room, bedroom, kitchen and bathroom in order to meet their typical daily needs.
7. Although the proposed plans show a bathroom and bed within both units, it is not clear that there would be sufficient space to accommodate storage and cooking facilities. I find it likely, therefore, that future occupiers would find the units cramped and that it would be difficult to carry out their daily needs comfortably. Lacking any evidence to the contrary, I find that the floor space provided by Units 2 and 4 would not be sufficient to provide a suitable level of living conditions for future occupiers.
8. I note appellant intends for future occupiers to be hospital staff and students who would live there temporarily. However, I cannot be certain of who the future occupiers would be throughout the lifetime of the development. Moreover, it has not been demonstrated why such occupiers would not need as high a standard of living conditions as is typically expected.
9. As the proposal provides separate, self-contained units, the way in which it is occupied and used would not be similar to that of a House in Multiple Occupation (an HMO). In particular, there are no communal rooms for socialising, cooking or eating. While the size of the smaller proposed units may be appropriate as part of an HMO, I must consider the proposal before me and therefore this has not been determinative.
10. Although the proposed units may meet local needs for accommodation and may provide a good level of light to, and outlook from, the windows, this does not outweigh the significant under provision of space required for future occupiers within Units 2 and 4.
11. In conclusion the proposal would not provide a suitable level of living conditions for future occupiers as a result of the very limited space provided for units 2 and 4. The proposal would therefore conflict with Policy L1 of the Dudley Borough Development Strategy (the DBDS) which requires that developments provide an appropriate level of amenity for future occupiers. It would also conflict with Section 12 of the National Planning Policy Framework (the Framework) and in particular, Paragraph 130(f) which requires that developments provide a high-standard of amenity for existing and future users.

Highway Safety

12. The appeal site is a corner plot at the junction between the High Street, a thoroughfare, and Birds Meadow, a residential street. On the opposite side of the High Street is a further junction and a small public car park. Although public, and free to use, the car park has time limit restrictions during the day, limiting parking to a maximum of three hours with no return within four hours.

13. Given the restrictions at the public car park, I do not find that this would be suitable for residential parking as future occupiers would be required to regularly move their vehicle through the day. Future occupiers would, therefore, be reliant on on-street parking to meet the under provision on site.
14. A significant portion of the dwellings along Birds Meadow are served by driveways providing off-street parking. Consequently, on-street parking demands along this road would be more modest. Although the availability of on-street parking would be reduced by the driveways and sections of double yellow lines, these features do not significantly reduce the opportunity for on-street parking. In light of this, I find that Birds Meadow could accommodate additional on-street parking.
15. The proposal would result in, as noted above, five one-bedroom flats. The Council considers that in order to accommodate the associated parking requirements of future occupiers that five spaces would need to be provided. The proposal would, however, only provide four parking spaces. Moreover, the fourth space would be so sited as to restrict the manoeuvring of other vehicles when used.
16. I find that the proposal would therefore effectively result in an under provision of two parking spaces and that there would consequently be an increase in on-street parking. Although the public car park would not be appropriate to accommodate that, I find that such an increase in on-street parking would be easily accommodated by Birds Meadow. Such on-street parking would not necessarily result in illegal or otherwise unsafe parking.
17. In light of the above, the proposal would not result in an unacceptable impact on highway safety as a result of parking. The proposal would therefore comply with Policies S17 and L1 of the DBDS and Policy Tran2 of the Black Country Core Strategy which collectively, and amongst other matters, require that developments provide adequate and safe access to parking that is not detrimental to highway safety. The proposal would also comply with the guidance within the SPD which allows for on-street parking where it would not create or exacerbate highway safety issues. It would also comply with Section 9 of the Framework with regards to highway safety.

Other Matters

18. Although the appellant has submitted that the proposal would make an efficient use of land, in accordance with the aims of the Framework, given the harm identified above I do not find this to be the case. Nevertheless, even if the proposal were to be an efficient use of land, I find that this would not outweigh the harm identified.

Planning Balance and Conclusion

19. The Government's objective is to significantly boost the supply of housing and the proposal would provide 4 new dwellings in a location with adequate access to services by sustainable transport options. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.

20. Whilst the proposal may not result in any harm to highway safety, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my consideration.
21. Conversely, the proposal would not provide a suitable level of living conditions for future occupiers, in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR