



Appeal Decision

Site visit made on 20 June 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/D4635/W/23/3314909

457 and 459 Bilston Road, Wolverhampton WV2 2NN

- 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 Gurjinder Bhella of Wolverhampton Property Management Ltd against the decision of Wolverhampton City Council.
 - The application Ref 22/00911/FUL, dated 4 August 2022, was refused by notice dated 4 October 2022.
 - The development proposed is the conversion of 2 dwelling houses into 6 self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan was submitted with the appeal which included alterations to the car parking layout, removing the proposed soft landscaping, and the widening of the vehicular access. Cumulatively, I find that these changes would deprive those who should have been consulted on the changed development the opportunity of such consultation. As the changes would potentially prejudice the interest of any interested parties, I have not considered the amended plan in my assessment below.

Main Issues

3. The main issues are the effect of the proposal on:
 - Highway safety, including parking provision;
 - The living conditions of neighbouring occupiers; and,
 - Whether the proposal would provide a suitable quality of living conditions for future occupiers.

Reasons

Highway Safety

4. The appeal site is located at the junction between Bilston Road and Stow Heath Lane. To the rear of the site is a large area of hard standing containing a double garage with a vehicular access on to Stow Heath Lane. This area is shared between the two dwellings on site. Whilst it is clear that this access is in use, the appellant is currently seeking permission for a dropped kerb. The proposal includes the removal of the existing garages and the creation of a

- parking area for 6 vehicles to the rear of the site as well as soft landscaping and a bin storage area.
5. Whilst my site visit can only provide a snapshot in time, it was clear that the junction deals with a significant amount of traffic with turning lanes and traffic lights managing the junction. In particular, Bilston Road, to the front of the site, is a main thoroughfare towards the city centre. I also noted that vehicles queued along Stow Heath Lane beyond the vehicular entrance to the appeal site.
 6. It is clear from my observations on site, and the evidence before me, that the existing vehicular access serving the appeal site raises some highway safety risks. In particular, it is close to the busy junction and is bounded by a tall wall against the back of the pavement. I therefore find that there is a poor level of intervisibility at the vehicular access and that vehicles approaching from the junction would have little time to react to vehicles entering or leaving the appeal site. Consequently, there is an existing risk of conflict between movements associated with the appeal site and pedestrians and motorists using Stow Heath Lane. Moreover, the access is not sufficiently wide enough to allow two vehicles to pass and so, should two vehicles meet, this would likely affect the flow of traffic along Stow Heath Lane and potentially result in some additional risk to safety as well. Similar issues are likely to arise when vehicles leave the site and attempt to join queues approaching the junction.
 7. The proposal would significantly increase the number of future occupiers and therefore similarly increase the number of associated vehicular movements. I find there would be a further intensification of movements associated with the site as future occupiers of the flats would not be connected, as is the case for the two dwellings. Moreover, the proposed layout of the parking area, whilst allowing vehicles to enter and leave in a forward gear, would further narrow the useable access and make it harder for two vehicles to pass. Cumulatively therefore, whilst the existing access is substandard and while there may have not been any recorded accidents associated with the site, the intensification of the use would exacerbate the issues raised above to the detriment of highway safety.
 8. During my site visit I noted that there are some parking restrictions along Stow Heath Lane, including single and double yellow lines, and traffic calming islands. Moreover, I noted that there was significant on-street parking at the time of my visit. Given that this was during the day, it is likely that the level of on-street parking would increase after working hours when more residents would be at home. Consequently, and given the lack of on-street parking elsewhere around the junction, I find that there would be limited opportunity for Stow Heath Lane to accommodate additional parking.
 9. The Residential Development Supplementary Planning Guidance No 3 (the SPG) sets out a guide for parking requirements, including for flats. Namely, that 1.25 spaces should be provided for each one-bedroom unit and 1.5 spaces for each two-bedroom unit. In this case, following the SPG, the proposal would require 8 parking spaces. The proposal would provide 6 parking spaces, an under provision of 2 spaces.
 10. The appellant has suggested that given the accessible nature of the site to nearby services and facilities the demand for on-site parking would be reduced. Whilst I am mindful of the appeal site's location and that this may result in

future occupiers being less reliant on private motor vehicles for their daily needs, I do not find that this will necessarily result in a reduction in the ownership of private motor vehicles.

11. Therefore, given the lack of available on-street parking and the nature of the road network surrounding the site, any additional parking demand would further put pressure on the safe and efficient flow of traffic. Moreover, I find that it would risk pushing parking towards unsafe or illegal locations.
12. In conclusion, the proposal would unacceptably harm highway safety as a result of the intensification of the use of the access and the under provision of parking. The proposal would therefore conflict with Policy TRAN2 of the Black Country Core Strategy (the BCCS) and Policy AM15 of the Wolverhampton Unitary Development Plan (the UDP) which, collectively and amongst other matters, require that developments provide or improve acceptable safety for all modes of transport. It would also conflict with the SPD as outlined above.

Living Conditions

13. The appeal site contains the end two dwellings of a terrace. The proposal would sub-divide each in to three flats; 2 single-bedroom units on the ground floor and 1 two-bedroom unit on the upper floors of each property. The limited external amenity space afforded to the two properties is primarily provided to the side of No 459, although there is also a narrow pathway to the side of No 457. The space to the rear of both properties appears to have been set aside for parking.
14. Given the size of the proposed units it is likely that they will be occupied by single people and couples. It is unlikely that these flats would particularly attract families. I therefore find that the typical needs of future occupiers, with regard to outside space, would predominantly be for areas to relax, socialise and sit outside. The communal space, whilst small, would provide sufficient space to accommodate these needs. East Park is only a short distance away up Stow Heath Lane. Given its scale and close proximity the park would suitably accommodate any occupiers, including children, wishing to play or exercise.
15. However, accessing the communal space would require walking closely past either the windows of Flat 3 or Flat 4. Specifically, these windows serve the living room of Flat 3 and the kitchen/living room of Flat 4. Moreover, while using the amenity space, future occupiers would be in close proximity to the bedroom and bathroom windows serving Flat 4. Whilst the bathroom could have an obscure glazed window, this would not be appropriate for the other rooms mentioned above. As a result of the close relationship between the communal space and windows, future occupiers of Flats 3 and 4 would have a poor level of privacy and would feel overlooked and exposed.
16. I am mindful that the kitchen/living rooms serving Flats 1 and 4 would be small. However, these flats would provide accommodation for a single person, or a couple, and I find that this space would be sufficient to accommodate their needs. Whilst the kitchen window serving Flat 5 may allow overlooking towards No 455, any harm could be overcome through a suitable worded condition securing obscure glazing, in the event that the appeal were to be allowed.
17. In light of the above, the proposal would provide a poor quality of living conditions for future occupiers as a result of the lack of privacy affecting Flats 3

and 4. The proposal would therefore conflict with BCCS Policy ENV3 and UDP Policy H6 which require developments to be of a high quality design and protect the amenity of neighbouring residents. It would also conflict with Section 4 of the SPG regarding communal open spaces and the amenity requirements of residents.

Other Matters

18. The appellant has provided some details of the permission at No 24 Ward Street. However, I have not been provided with the full details and facts of this decision. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Planning Balance and Conclusion

19. The Government's objective is to significantly boost the supply of housing and the proposal would provide 6 new units in a location with good access to services. 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. The proposal would also provide some visual improvements by way of the proposed soft landscaping. Given the small scale of the proposal these matters would at most attract moderate weight.
20. Conversely, the proposal would result in harm to highway safety and provide a poor quality of living conditions for future occupiers, in conflict with the development plan taken as a whole. These matters attract significant weight and outweigh the benefits associated with the proposed development.
21. 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