



Appeal Decision

Site visit made on 18 July 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/D4635/W/23/3317819

4 Beach Avenue, Wolverhampton WV14 9BS

- 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 Ms Linda Leach against the decision of Wolverhampton City Council.
 - The application Ref 22/01199/FUL, dated 19 October 2022, was refused by notice dated 24 January 2023.
 - The development proposed is convert the existing house into two flats.
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Decision

1. The appeal is allowed and planning permission is granted to convert the existing house into two flats at 4 Beach Avenue, Wolverhampton WV14 9BS in accordance with the terms of the application, Ref 22/01199/FUL, dated 19 October 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area and whether the conversion of a family dwelling would result in a detrimental impact on the local area;
 - highway safety, with respect to on-street parking.

Reasons

Character and Appearance

3. The appeal site consists of a two-storey semi-detached dwelling located at 4 Beach Avenue (No 4). It is located within a row of houses of similar architectural design. The surrounding area is predominantly residential comprising of mainly traditional style semi-detached houses and bungalows. The properties are set back from the road within established building lines.
4. The existing property is a 5-bedroom dwelling. The Council is concerned that the proposal would result in the loss of this family size dwelling. However, based on the evidence before me, it has not been demonstrated that there is an undersupply and an identified need for large family housing within the local area. Furthermore, the Council does not currently have an adopted policy that seeks to retain large family homes across the city. I am also mindful that the conversion of the property into a one-bedroom flat and a two-bedroom flat would provide accommodation suitable for individuals, couples or a small family. Therefore, I am not persuaded that the subdivision of this 5-bedroom family home would be harmful to the local area.

5. The proposal would include an alteration to the appeal building's front elevation by the addition of a small, bricked enclosure over the single-storey side extension. Nevertheless, this would be set back from the front elevation and would therefore appear subservient and unobtrusive. The proposal would not result in an enlargement to the building and would maintain the external appearance of the building's front elevation.
6. The proposal would replace the small garden to the front of the property with a parking area for 3 vehicles. However, this would not be dissimilar to the existing hardstanding frontages found at neighbouring dwellings.
7. As such, the proposal would not significantly affect the external appearance of the building and would not detract from the contribution that the property makes to the character and appearance of the area. Furthermore, the use of the property would remain as residential, which is the predominant characteristic of the local area.
8. For the reasons given, the proposal would not be detrimental to the character and appearance of the area and would not cause harm to the mix and balance of family dwellings in the area. As such, the proposal would accord with Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy (2011), and Saved Policies D6 and H6 of the Wolverhampton Unitary Development Plan (2006) (UDP). Collectively, these policies amongst other things, seek to ensure development is of high-quality design and respects the character and local distinctiveness of the area, and makes a positive contribution to place-making.

On-street parking issues

9. The proposal would provide off-street parking provision for three vehicles, which would be in accordance with the Council's parking standards. Cycle provision would also be provided along with a vehicle charging port to encourage sustainable transport.
10. However, the Council is concerned that the proposal would add to on-street parking demand in the area. Nevertheless, no compelling evidence has been submitted to demonstrate that the proposal would result in a displacement of vehicles in the vicinity of the appeal site which would in turn cause substantial amenity issues.
11. The appeal property in its current form has no off-street parking and could be occupied by a large family consisting of several adults and teenagers. Such a family could generate considerable activity in the form of comings and goings and vehicular movement and could have a high level of car ownership with its associated on-street parking demand. As such, the proposal before me for two flats with a total of 3 bedrooms, would not be significantly different to that of a large family dwelling with regard to parking demand for occupants and visitors. In addition, the proposal would provide 3 off-street parking spaces which would lead to a reduction in on-street parking demand by its occupants and therefore an improvement to the existing situation.
12. Furthermore, future occupiers of the proposal would not be reliant on a private motor vehicle to access services and facilities given the sustainable location of the appeal site and the provision of cycle storage and good access to nearby bus stops.

13. Paragraph 111 of the Framework is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I note that the Highways Authority did not object to the proposal. Accordingly, I find that the proposal would not result in a harmful effect on parking provision and highway safety in the area.
14. In the absence of substantive evidence to the contrary, the proposal would not be harmful to highway safety, with particular regard to car parking. As such, the proposal would accord with Saved Policies AM12 and H6 of the UDP. Collectively, these policies amongst other things, seek to ensure development includes suitable parking provisions.

Other Matters

15. Concerns have been raised relating to fire safety. However, this is a matter that could be considered and resolved through the building regulations process.
16. Other issues have been raised including effect on property values and concerns over the type of people who would occupy the flats. Whilst I accept that these matters are of great importance to local residents, these are concerns which are either non-planning matters or are controlled through other separate legislation.

Conditions

17. I have considered the conditions suggested by the Council taking into account the advice within the Framework and the Planning Practice Guidance, and where necessary the wording has been amended for clarity and precision.
18. In addition to the standard time limit, for the purposes of certainty, a condition concerning the approved plans is required.
19. A condition relating to external materials of the development is necessary in the interests of the visual character of the area. Conditions relating to side facing windows and doors are necessary for the privacy of neighbouring occupiers. I have also imposed a condition for an acoustic mitigation scheme in the interests of safeguarding residential amenity.
20. A condition is imposed for refuse storage facilities to reduce visual clutter of the street scene. In the interests of highway safety, a condition is imposed for off-street parking spaces.
21. In the interests of sustainable travel, I have imposed a condition requiring the provision of electric vehicle charging points, and a condition relating to the storage of bicycles.

Conclusion

22. For the reasons given, I conclude that the appeal should be allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:
 - Location Plan (dated Oct 2022)
 - Block Plan (dated Oct 2022)
 - Proposed Floor Plans and Elevations – Drawing No. 22/117 C
 - Proposed Landscaping to Front – Drawing No. 22/117 C
 - Proposed Landscaping to Rear – Drawing No. 22/117 A
- 3) Other than where precisely specified on the drawings hereby approved, the external materials used in the development shall match those of the existing building in size, colour, form and texture.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, replacing and re-enacting that Order with or without modification), no side facing windows, doors or other form of opening, other than those shown on the approved plans, shall be installed into the development hereby permitted.
- 5) The proposed second floor side facing bedroom window shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7 metres from the floor level of the rooms they serve, in accordance with the approved plan: (Proposed Floor Plans and Elevations – Drawing No. 22/117 C), and the obscure glazed window shall thereafter be retained for the lifetime of the development.
- 6) Prior to the first occupation of the development hereby permitted, an acoustic mitigation scheme achieving a minimum of 43db of Airborne Sound insulation and 64db of impact Sound insulation, with fire prevention measures, shall be installed between the ground and first floor flats. In accordance with the approved floor plans: (Proposed Floor Plans and Elevations – Drawing No. 22/117 C). These shall be retained thereafter for the lifetime of the development.
- 7) Notwithstanding the information submitted, prior to the first occupation of the development hereby permitted, details of the covered and secure bin storage unit to be used on the frontage, shall be submitted to and approved in writing by the local planning authority, and retained thereafter for the lifetime of the development.
- 8) Prior to the first occupation of the development hereby permitted, 3 parking spaces shall be provided in the demarcated area shown on the approved plans: (Proposed Landscaping to Front – Drawing No. 22/117 C) and shall thereafter be kept available for the parking of residential vehicles in connection with the use hereby approved, at all times for the lifetime of the development.
- 9) Before first occupation of the development hereby permitted, a double Electric Vehicle Charging Port (EVCP) shall have been fitted on the front of the property, to a technical charging performance specification, as agreed in writing by the

local planning authority. This shall be positioned in accordance with the Site Plan hereby approved: (Proposed Landscaping to Front – Drawing No. 22/117 C). The EVCP shall be installed and available for use by both flats in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification. The EVCP shall be retained thereafter for the lifetime of the development.

- 10) Prior to first occupation of the development, secure covered bicycle storage shall be provided in accordance with the approved plans. The bicycle storage shall thereafter be retained and kept available for the parking of bicycles.

****End of Conditions****