



Appeal Decision

Site visit made on 23 January 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2024

Appeal Ref: APP/R1845/W/23/3323958

The Poppies, 17 Birmingham Road, Kidderminster DY10 2BX

- 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 Miss L Corbo against the decision of Wyre Forest District Council.
 - The application Ref 22/0836/FUL, dated 16 October 2022, was refused by notice dated 17 May 2023.
 - The development proposed is conversion of existing building to form 6no. apartments with associated car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the appeal, a revised version of the National Planning Policy Framework (the 'Framework') was published. Both parties were invited to provide comments on the revised version insofar as it relates to the development and the comments received have been taken into account in my decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the living conditions of neighbouring occupiers with regard to noise and disturbance; and
 - whether the development would provide acceptable living conditions for its future occupiers.

Reasons

Character and appearance

4. The site accommodates a large detached building sited on one of the main routes into Kidderminster town centre. It sits in a row of other large mostly detached dwellings. All of these properties have their car parking areas in front of the building, with a few having additional space to the side. None have parking behind the houses, with these areas being used as gardens. This is a unifying characteristic of this immediate area.

5. The proposal would introduce parking spaces behind the main part of the building in a part of the site that is currently a garden. In this respect, therefore, the proposal would contrast with the character of its surroundings.
6. The properties on the corner of Kidderminster Road and Shrubbery Street do have parking set behind the buildings which front Kidderminster Road. However they take their vehicular access from Shrubbery Street and so the parking here does not appear to be as distinctly 'backland' as that at the appeal site. There are a few other examples of backland parking further east along Kidderminster Road, but these are some distance from the site and so have a different setting, notwithstanding the fact that the vast majority of properties along this part of Kidderminster Road have their parking exclusively to the front.
7. As a result, the contrast in this particular characteristic would mean the development would harm the character and appearance of the area. It would therefore fail to accord with policies SP.20 and DM.24 of the Wyre Forest District Local Plan (the 'Local Plan') which seek to ensure development integrates effectively with, and complements, the character of its surroundings, and Local Plan policy DM.3 which seeks the same but with specific reference to flat conversions.

Living conditions - neighbours

8. The provision, towards the rear of the site, of four parking spaces serving four apartments would result in cars travelling along the access road which would be directly alongside the boundary with No 15. Although an acoustic fence would be provided along this boundary, this would not wholly mitigate the noise that would result from the use of this access, including from the manoeuvring of vehicles, albeit slow moving, and car doors slamming. There does not appear to be any ground floor windows serving habitable rooms at No 15 facing the appeal site. However, when the occupiers of No 15 are in their garden, the noise associated with the use of the access and the parking spaces would be unacceptably disturbing, given the existing context of a generally quiet rear garden environment.
9. The effect on the occupiers of 1 Shrubbery Street would be unlikely to be disturbing due to the distance between the parking area and that neighbouring property.
10. Nonetheless, the development would be likely to harm the living conditions of the occupiers of No 15. It would therefore conflict with policy DM.3 which aims to ensure flat conversions minimise noise disturbance to neighbours.

Living conditions – future occupiers

11. The four parking spaces to the rear would be immediately in front of the lounge, study and bedroom of apartment 3. It is likely that at least one of the spaces would be for the occupiers of this apartment, but the others would not. Nonetheless, it is not unusual in flatted developments for communal parking to be positioned close to a ground floor flat and hence any noise and disturbance generated by the use of these spaces would not be likely to be considered unacceptable by future occupiers of apartment 3.
12. Similarly, whilst there maybe a view from the lounge and bedroom windows of apartment 1 into the corresponding rooms in apartment 3, and vice versa, this would be at an angle, across the car park, and would not be an unfamiliar

relationship in flatted developments. Likewise, any views from the lounge in apartment 5 towards apartment 3 would be at an angle and again not uncommon in such style developments.

13. The Council states, in their officer report, that 30 square meters of amenity space per flat would be needed for developments outside the town centre. However this is not substantiated in any policy or guidance provided to me. A reasonable amount of amenity space would be provided at the very rear of the site which would allow some space for sitting out. As the apartments are all 1-bed units it is unlikely occupiers would have children and so there would not be a need for outdoor play space.
14. Overall, the scheme would provide acceptable living conditions for its future occupiers in terms of noise, disturbance, privacy and amenity space. As such, in this respect, the proposal would accord with policy DM.3 which supports development which has, among other things, appropriate amenity space.

Other Matters

15. It is noted that the building was previously used as a 10-bedroom care home. However, whilst the proposal could result in there being fewer people resident at the property, this has little bearing on the acceptability of the provision of the parking area to the rear which is not present on site currently and is primarily where the harm arises.
16. There would be some economic benefits during the conversion works and in the long term once the development is occupied. But these would be very limited in the wider context given the proposal is for a conversion and for just six units.

Conclusion

17. Although the proposal would provide suitable living conditions for its own occupiers, it would harm the character and appearance of the area and the living conditions of neighbouring residents. It would therefore conflict with the development plan taken as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal is dismissed.

A Owen

INSPECTOR