
Appeal Decision

Site visit made on 11 March 2024

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2024

Appeal Ref: APP/P4605/W/23/3331539

38 Bucklands End Lane, Hodge Hill, Birmingham B34 6BP

- 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 Dr B Machado against the decision of Birmingham City Council.
 - The application Ref 2023/02098/PA, dated 29 March 2023, was refused by notice dated 14 June 2023.
 - The development proposed is change of use from dwellinghouse (Use Class C3) to medical practice (Use Class E), erection of single storey side and rear extensions and alterations to front and side elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development as it appears on the Council's Decision notice as it accurately describes the development proposed.

Main Issues

3. The main issues are:
 - Whether the development would provide adequate parking provision.
 - The effect on the living conditions of neighbouring occupiers with regards noise and disturbance.
 - The effect on the provision of family housing in the area.
 - Whether the location of the development would be acceptable in planning policy terms.

Reasons

Parking Provision

4. The Birmingham Parking Supplementary Planning Document sets a standard of 4 parking spaces per consulting room plus one space for each treatment room for clinics and health centres. The existing surgery has 11 consulting rooms and one treatment room generating a requirement for some 45 spaces. The additional 4 consulting rooms proposed would generate a requirement for an extra 16 parking spaces.

5. Existing parking provision at the site is significantly below the standard and the proposal would make provision for a maximum of 3 car parking spaces exacerbating the existing under provision, displacing parking onto the adjacent residential roads as a consequence.
6. The appellant's parking survey was undertaken on 2 different days. Whilst on one day more than half of visitors walked to the site, on the other 66% arrived by motor vehicle (52% by car, 14% by taxi). Even if the survey is representative of travel to the site it would generate a need for 2-5 car parking spaces. When factoring in the need for staff parking which was not included in the survey, the development would make insufficient provision.
7. An on street parking survey identified on street car parking capacity along the adjacent highway. However, local residents have identified issues with obstructions across neighbouring driveways and road junctions as a result of the existing surgery. This suggests that there are some capacity issues, at least on some occasions.
8. Whilst some patients may travel to the site by public transport, walking or cycling, others too ill or otherwise unable to travel by public transport are likely to arrive at the site by car. The appellant says that if the surgery had to relocate more patients would have to travel to the site by car. However, there is little before me to substantiate this which limits the weight I attach to it. Whilst I note the appellant's point that a purpose of the development is to increase the range of services offered rather than the number of patients, it remains the case that the number of people on site at any one time is likely to be greater than at present as a result of the development.
9. Even if provision was made for a disabled parking space and cycle parking, overall the development would make inadequate on site car parking provision. As such it would conflict with the part of Policy TP44 of the Birmingham Development Plan (Development Plan) which promotes the efficient, effective and safe use of the existing transport network and ensure the location of development supports sustainable transport. It would also conflict with Policy DM15 of the Development Management in Birmingham Development Plan Document (DMDPD) which amongst other things requires new development to ensure that the operational needs of the development are met in terms of parking and that proposals for parking avoid highway safety problems and protect the local amenity and character of the area.

Living Conditions

10. The development would intensify the use of the building with more visitors attending the site throughout the day. The comings and goings are likely to be greater than that experienced by the existing residential use of part of the site.
11. Whilst there is no objection by the Council's Environmental Health officer subject to conditions, having regard to the expected number of additional visitors I am of the view that there would be an unacceptable risk that the activity, including the comings and goings associated with the proposed use, would cause harm to the living conditions of surrounding residents because of noise and disturbance.
12. The development would harm the living conditions of neighbouring occupiers with regards noise and disturbance. As such it would conflict with the

provisions of the National Planning Policy Framework which seek a high standard of amenity for existing and future users.

Family Housing

13. The appeal site is an existing GP surgery and neighbouring 2 bedroom semi detached bungalow. The proposal would lead to the loss of the dwelling to facilitate the extension to the surgery.
14. Amongst other things, Policy TP35 of the Development Plan identifies that best use should be made of the existing dwelling stock and that the Council will seek to prevent the loss of housing to other uses through conversion or redevelopment where it is in good condition or could be restored to good condition at a reasonable cost. Loss is only permitted if there is good planning justification or an identified social need for the proposed use.
15. The appeal site is located in Area 5: Outer East Birmingham of the East Birmingham Inclusive Growth Strategy, an area where people are more likely to experience poor health and there is a high demand for medical services. The Strategy seeks to improve health and social care services by amongst other things increasing the range of health services available locally and delivering joined up services. This alongside the supporting evidence of need provided by the appellant demonstrates that there is evidently a social need for medical services in the area which the extended property could assist in delivering. The development would not therefore conflict with Policy TP35 of the Development Plan in this regard.

Location

16. Policies TP21, TP24 and TP37 of the Development Plan direct health centres and clinics to district and neighbourhood centres, locations that the Council identify as having the best public transport connections, some shared parking provision and allow for linked trips.
17. Despite the presence of a neighbouring children's nursery and a public house, the site is located in an area characterised by residential development comprising a mix of 2 storey dwellings and single storey bungalows with the GP surgery itself having the appearance of a converted dwelling.
18. The appellant identifies that the health care facility is in situ and forms part of the existing character of the area. However, in the street scene the property appears as an extended dwelling comparable in size to other dwellings in the road. Extension of the property as proposed would lead to a change in the scale and appearance of the property, detracting from the predominantly residential character of the area.
19. Whilst the loss of the dwelling would be justified in principle, the proposal would lead to a development of an inappropriate size in a residential area and as such would conflict with the part of Policy PG3 of the Development Plan that requires new development to reinforce or create a positive sense of place and design that responds to site conditions and the local conditions.

Conclusion

20. Whilst I accept the need for the extension and the efficiencies of operating from a single site, this is outweighed by the harm created by the absence of

adequate parking provision and the impact on the living conditions of neighbouring residents that would be generated by the development in a residential area.

21. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR