



Appeal Decision

Site visit made on 15 May 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/G4620/W/23/3333937

93 Dingle Street, Sandwell, Oldbury B69 2DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Quintella Thompson of New Era Residence against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/23/68216.
 - The development proposed is the change of use from C3 dwelling to C2 children's care home.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 Dwelling to C2 children's care home at 93 Dingle Street, Sandwell, Oldbury, B69 2DZ in accordance with the terms of the application, Ref DC/23/68216, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The decision hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01-00 PL1 – Site Location Plan, Drawing No. 11-00 PL1 – Proposed GA Plans and 08-00 PL3 – Proposed Site Plan.
 - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall only be used as a children's residential home for up to three children aged 8-17 and for no other purpose (including any other use falling within Class C2 of the Order, but may revert back to C3 (dwellinghouse) on cessation of the use).
 - 4) Prior to the first occupation of the development hereby permitted, the vehicular parking as shown on Drawing No. 08-00 PL3 – Proposed Site Plan shall be provided and shall thereafter be retained for the purposes of parking.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. However, the policies therein which are material to this case have not fundamentally changed. I have therefore proceeded to determine the appeal having regard to the revised Framework.

3. The evidence suggests that the use of the appeal property as a residential care home has begun. However, for the avoidance of doubt, I have assessed the proposal based on the submitted plans.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of the occupiers of neighbouring properties, with particular regard to traffic movements and disturbance; and,
 - highway safety with particular regard to the adequacy of the on-site parking provision.

Reasons

Living conditions

5. The appeal site comprises a reasonably well-proportioned corner plot and lies in a residential area characterised by a mix of house types including detached, semi-detached, and terraced units. It is occupied by a two-storey detached, four-bedroom property and includes an area of hardstanding to the front and private garden to the rear.
6. The care facility would provide residential accommodation for 3 young people between the ages of 8 and 17 years old. Twenty-four-hour care provision would be provided and would comprise of three staff members during the day and a maximum of two members of staff overnight. Visits would be made to the premises by social workers and other professionals on a case-by-case basis by appointment.
7. The area is relatively well served by public transport and is within reasonable walking distance of services and facilities including schools, parks, and shops. To reduce car dependency residents would be taught independent living skills and staff members would be encouraged to use public transport. Nevertheless, due to the shift patterns, changeover of staff and perhaps at the beginning and end of the school day, I consider it likely that the proposed use would generate some limited additional traffic movements, over and above that associated with a four-bed house, including arrivals/departures later in the evening.
8. Whilst it has been put to me that the area is a quiet, suburban environment, passing traffic noise and the manoeuvring of vehicles would not be uncommon in this area owing to the housing density and inevitable variation in work patterns and social activities of neighbouring occupiers. Indeed, it would not be unusual for residents to hear the comings and goings of their neighbours throughout the day, including the evenings. Given the limited traffic anticipated, and the staff numbers, I find that the anticipated movements would not be disproportionately large or significantly greater than those associated with a 3-child family in a property of this size, carrying out their day-to-day activities.
9. In all respects, the internal layout of the proposed care home would not be dissimilar to the existing 4-bed dwelling, and the external appearance would be unaltered. Despite the potential emotional and behavioural needs of the children, there is no compelling evidence to indicate that the use of the property or the associated outside space, including early morning outdoor play

would result in disturbance which would be materially different to that which could be reasonably expected of a domestic family residence.

10. Accordingly, I find that the appeal development would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements and noise disturbance. It would therefore accord with Policy SAD H4 of the Sandwell Allocations and Delivery Development Plan Document 2012 where it seeks to ensure that proposals for specific needs housing is compatible with adjacent uses. It would also be consistent with paragraph 135 of the Framework which promotes a high standard of amenity for existing occupiers.

Highway safety

11. Access to the proposed development would be via an existing access off Dingle Street. A fence has been erected around the site frontage which I am told is the subject of a separate planning application. As these works do not form part of the appeal proposal, I have limited my considerations to the change of use only.
12. I saw at my site visit that many of the properties along Dingle Street benefit from off-street parking provision. However, there are equally many which do not. Owing to the width of the road and on-street parking, two-way vehicular movement is restricted in places. Having said that, and whilst mindful that the demand for on-street parking may be higher at other times of the day, I observed limited on-street parking stress at the time of my visit, in the mid-morning.
13. The evidence sets out that there would be 3 staff members on site during the day and a maximum of 2 on the premises overnight. The submitted site plan indicates that 3 off-street parking spaces would be provided within the site frontage. Based on the shift patterns and staff numbers, I am satisfied that the proposed parking arrangements and on-site provision would allow staff to park within the site on a day-to-day basis. Visits to the property by social workers and other professionals would be by appointment only and less frequent. Even if these visits were to generate demand for additional on-street parking, given the limited scale and likely frequency, I am satisfied there would be sufficient opportunity to park on the road without adversely impacting highway safety. In addition, whilst there may be deliveries to the site, there is no evidence to suggest that these would be any different to than those which could be expected at a domestic property.
14. Consequently, I find that the proposed development would not harm highway safety with particular regard to the adequacy of the on-site parking provision. The proposal would therefore be consistent with the highway safety objectives set out within the Framework.

Other Matters

15. The Framework seeks to ensure that development is inclusive, and the fear of crime does not undermine the quality of life, community cohesion and resilience. Although the fear of crime and anti-social behaviour are material considerations, there must be some reasonable evidential basis for that fear. In this case, whilst mindful of the concerns put to me by interested parties and alleged previous incidents, there is no substantive evidence before me to demonstrate that the proposed use would give rise to anti-social behaviour or

criminal activity. I am also mindful that the local Police force did not object to the proposed development on such grounds. In addition, whilst I recognise the concerns regarding house prices, this has no bearing on my considerations of the merits of the proposal.

16. For the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposed care home use is classed as residential. Therefore, whilst it has been put to me by interested parties that the proposed business use would not be compatible in a residential area, it would not fall within either a commercial or business use. In any case, for the above reasons, I have found that the proposal would not generate activity materially different to a family home.
17. In determining the appeal, I am required to consider the merits of the scheme before me. Therefore, whilst it may be the case that there are alternative sites available in the area, this does not affect my consideration of the main issues.

Conditions

18. In addition to the standard time limit condition, and in the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. To ensure that the intensity of the use of the site is managed in the interests of living conditions, it is necessary to restrict the use of the site and the number of children to reside at the property. For reasons of highway safety, a condition requiring the provision of the off-street parking prior to first occupation of the development is imposed.

Conclusion

19. For the reasons given above the appeal is allowed.

H Wilkinson

INSPECTOR