



Appeal Decision

Site visit made on 30 July 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/C4615/W/24/3341958

14 Edward Street, Dudley DY1 2AE

- 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 Mr Tony Zelinschi against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P23/1197.
 - The development proposed is the change of use from C3 to C2 to provide 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 residential dwelling to children's care home at 14 Edward Street, Dudley DY1 2AE in accordance with the terms of the application, Ref P23/1197, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing number 11-00 revision PL1.
 - 3) The premises shall be used for residential children's home and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
 - 4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the General Permitted Development Order 2015 (as amended), no more than 2 children receiving supported accommodation care shall reside at the property at any one time.

Main Issue

2. The main issue is the effect of the proposal on highway safety, with particular regard to parking requirements.

Reasons

3. The appeal site is within a predominantly residential area, outside of any district, strategic or town centres. The site comprises a narrow terraced dwelling set over three floors, it provides three bedrooms and could, therefore, accommodate a family of four. Edward Street is a narrow street characterised by terraced dwellings. There is limited off-street parking and there were

vehicles parked on both sides of the carriageway. Part of the street has been pedestrianised with a broad pavement and verge, although at the time of my visit there were vehicles parked over this too.

4. The Council's Parking Standards Supplementary Planning Document (the SPD) covers various developments, including dwellings. The For three-bedroom dwellings, a minimum of 2 parking spaces are sought. No specific requirements are set out for care homes, and it is instead requested that discussions are had with the Highways Authority.
5. The proposal would not increase the number of bedrooms and, from the appellant's submissions, I understand that there would be a maximum of five people on site at any one time. This would comprise two children being cared for by two staff members during the day and one overnight. A further staff member would make visits but would not be permanently located at the site. Given the scale of the proposed use I consider it would be comparable in nature and intensity as the existing residential dwelling.
6. With the exception of the needs raised by the visiting carer, which I shall consider below, the parking needs of the proposed care home would be the same as the existing dwelling. It is not clear how often, or for how long, the visiting carer would be at the appeal site. I have therefore considered their need against a potential worst-case scenario of the carer visiting daily and for a predominant portion of the working day.
7. At the time of my visit, which can only provide a snapshot in time, there was a small number of on-street parking spaces available along Edward Street. I also noted a small number of spaces available on a number of surrounding roads too. As my visit was made during typical working hours, it is likely that the number of available spaces would reduce outside of these hours. I am also mindful that all of these roads had significant parking restrictions.
8. Nevertheless, as the visiting carer would likely predominantly be there during typical working hours, I consider the potential reduced availability of parking spaces to not be detrimental. Moreover, as one of the staff members would only be there during the day, the evening need is likely to only rarely extend to three parking spaces. This is especially so given the location of the site within a fairly central area of Dudley where some journeys may be supplemented by the use of public transport, walking or cycling.
9. Mindful of the above, I consider that the visiting carer's parking needs would be intermittent and only result in a modest increase over the existing needs. Although the availability of on-street parking is restricted, Edward Street and the surrounding area are capable of accommodating this additional need. On-street parking can break local and national rules but I cannot assume motorists associated with the site would act other than in accordance with the laws and restrictions covering this area. Given this, the modest increase in parking need and that some additional parking can be accommodated, I do not consider that the proposal would unacceptably affect highway safety.
10. The proposal would not result in any harm to highway safety as a result of the under provision of off-street parking. The proposal would, therefore, comply with Policy TRAN2 of the Black Country Core Strategy and Policy S17 of the Dudley Borough Development Strategy. These, amongst other matters, require developments to not cause significant transport implications and to be

commensurate with the existing transport infrastructure. The proposal would also comply with the guidance on parking requirements set out within the SPD and the National Planning Policy Framework (the Framework), including Paragraphs 114 and 115.

Conditions

11. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
12. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
13. In the interests of highway safety and the living conditions of neighbouring occupiers, conditions are necessary restricting the use of the site to a children's care home for no more than two children.

Conclusion

14. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR