



Appeal Decision

Site visit made on 16 July 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/V4630/W/23/3332643

11 Portland Road, Aldridge, Walsall WS9 8NS

- 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 Richard Taylor against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 23/0171.
 - The development proposed is described as 'erection of single storey detached building to be used as a treatment facility at Portland Chiropractic Clinic'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. A previous scheme for a single-storey detached building was dismissed at appeal under reference APP/V4630/W/22/3301816 on the grounds that it would cause unacceptable harm to the character and appearance of the surrounding area. An amended proposal was submitted for a smaller one, which is now the subject of this appeal. The main issue for which, having regard to the Council's stance, is also its effect on the character and appearance of the area.

Reasons for the Recommendation

4. Whilst some of the local properties are used commercially, the immediate area is predominantly residential and presents as a traditional street with large detached and semi detached buildings to the frontage of elongated plots that have largely undeveloped gardens extending to the rear. There are some outbuildings of reasonable size therein, but they are subservient and clearly related to their host. This gives the area an originality and defined structure and hierarchy to built form and space which contributes positively to its character and appearance.
5. The proposed building would be situated to the rear of the chiropractic clinic and at the far end of the garden. The building would be substantial in size and considerably larger than others in nearby gardens. This would give the appearance and feel of a building of more than secondary importance which

would accordingly disrupt the pleasantness of the local hierarchy and erode the quality of its structure.

6. When the access gate is open, only the front of the building would be visible. Accordingly, its depth would be largely indiscernible. However, the ridge height would be significantly taller than the boundary fences. This, together with its considerable depth, would result in the building being highly visible from neighbouring gardens. The users of which would also be experiencers of the character and appearance of the area. The reduced visibility of the appeal building in the public realm would therefore not make it acceptable.
7. While landscaping may provide some screening, it would take some time for it to grow to a size sufficient to provide adequate screening. Furthermore, given the limited width between the proposed building and the side boundaries, I am not convinced that enough space would exist for such without interfering with access to the rear of the building. In any event, whether one could hide a building would not make its harmful presence acceptable.
8. For these reasons and despite the reduction in size from the previous scheme, the proposed building would cause harm the character and appearance of the area. It would therefore conflict with Policy ENV2 of the Black Country Core Strategy 2011 (BCCS) and Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan 2005, insofar as they require development to preserve or enhance local character and to take account of its surroundings. The proposal would also fail to accord with the design aims of the National Planning Policy Framework 2023 and the Designing Walsall: Supplementary Planning Document for Urban Design. The Council's reason for refusal also cites a conflict with BCCS Policy HOU2. However, this relates to housing density, types and accessibility. It is not therefore relevant to the appeal scheme.

Other Matters

9. The proposal would provide economic and health benefits. However, given its limited scale, I afford these benefits moderate weight which would not be sufficient against the harm I have found and to which, along with the subsequent conflict with the development plan, I attach substantial weight.

Conclusion and Recommendation

10. For the reasons given above, I recommend that the appeal be dismissed because of the conflict with the development plan and there being no material considerations worthy of sufficient weight which would indicate that a decision should be made other than in accordance therewith.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR