



Appeal Decision

Site visit made on 13 November 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/V4630/W/24/3349150

29 Reedswood Close, Walsall, WS2 8QJ

- 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 A Hussain against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 23/1264.
 - The development proposed is a new dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issues

2. The main issues are:
 - The effect of the proposal on the Cannock Chase Special Area of Conservation;
 - The effect of the proposal on highway safety; and
 - Whether the proposal provides acceptable living conditions for future residents.

Reasons

Special Area of Conservation (SAC)

3. The appeal site is located within the zone of influence of the Cannock Chase Special Area of Conservation (the SAC) which is an internationally protected site primarily for its dry heathland. In accordance with advice from Natural England and the evidence provided by the SAC Partnership, any development within 15km of the SAC, which is likely to increase recreational disturbance of the area is likely to result in significant harm to the SAC's reasons for designation. The provision of a dwelling would lead to an increase in population within the zone of influence which in turn may lead to an increase in recreational pressures on the SAC causing significant harm which would affect the integrity of the SAC.
4. The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. These are referred to as Strategic Access Management and Monitoring Measures (SAMMM).

5. As set out in the SAMMM and the evidence base which supports it, the majority of visitors to the SAC are from within the 0-15km zone of influence surrounding the Cannock Chase SAC. Therefore, the approach agreed through the SAMMM is to require mitigation payment per net residential dwelling from all new development within the 0-15km 'zone of payment' of the sum of £344.01 per dwelling. This can be secured by way of legal agreement.
6. No legal agreement has been submitted as part of this proposal and therefore I must conclude that the proposal would have a significant effect on the integrity of the SAC. It would therefore be contrary to Policy ENV1 of the Core Strategy and the Framework which require that development protects Special Areas of Conservation.

Highway safety

7. The appeal site forms the side garden of 29 Reedswood Close currently occupied by a garage as well as providing a parking area for No 29. The proposed house would extend up to the side boundary removing the garage.
8. Policy T13 of the Walsall Unitary Development Plan 2005 (the UDP) requires a minimum of two parking spaces to be provided for a three bedroom property as proposed. The layout shows that two off street spaces could be provided for the new house and one for No 29, all to the front of the properties. Due to the restricted length of the front gardens, the second car parking space for the new dwelling would be close to the front elevation which would impede access to the property.
9. Residents report concerns about the proposal in terms of the lack of adequate car parking making the end of the street even more dangerous than the current situation. However, I saw at my site visit that not only are there garages opposite the property, but there would also be sufficient on street parking which would not interfere with the flow of traffic. I appreciate that this was only a snapshot in time and parking may be more prevalent at other times of the day, particularly in evenings and at the weekends. However, my attention has not been drawn to any substantive evidence to support the claim that the area suffers from a parking issue and could not accommodate the required additional two spaces that would not be satisfactorily provided on site. In any case given that the appeal site is located at the end of the cul-de-sac, giving access to just a small number of dwellings, there would be very little passing traffic.
10. For the reasons above, I conclude therefore that while the proposal would not provide acceptable on site car parking it would not have an adverse effect on highway safety or the environment as required by Policy T13.

Living conditions

11. The Council state that both the internal floorspace available and the size of the bedrooms would not comply with the Government's Technical Housing Standards – Nationally Described Space Standard 2015 (NDSS).
12. The Planning Practice Guidance¹ advises that where a local planning authority wishes to require an internal space standard for new homes, they should only do so by reference in their Local Plan to the NDSS. My attention has not been

¹ Paragraph: 018 Reference ID: 56-018-20150327

directed to any reference in the Council's development plan to the NDSS, indeed the documents in front of me were adopted prior to the publication of the NDSS. Therefore, in this instance they cannot be ascribed full weight. Nonetheless, they provide a helpful benchmark as to what can be considered as acceptable space standards for new homes.

13. The Council suggest that the internal floorspace would be 77m², whereas the appellant states it would be 86.1m². The requirement in the NDSS is that the proposal should have 84m² of internal floorspace. Based on the Council's assessment the proposal would have less floorspace than required. However, it would not be by a significant amount. Moreover, in this instance, based on the evidence before me, it would be similar, if not larger than those houses in the attached terrace. There are no figures before me from the Council regarding the exact size of the bedrooms, but again, from the evidence before me these seem similar to those existing.
14. While the planning system should not perpetuate the provision of housing that does not meet adequate standards, there is nothing substantive before me to suggest that the existing housing is substandard and therefore should not be replicated in the proposed dwelling.
15. For the reasons above, I conclude that the proposal would provide acceptable living conditions for future residents. Consequently, there would be no conflict with Policy GP2 of the UDP, Policy ENV3 of the Black Country Core Strategy 2011, Policy DW3 and Appendix D of the Designing Walsall Supplementary Planning Document adopted 2008 and revised 2013 and the Framework. Together these require that development should make a positive contribution to creating a comfortable, sustainable built environment with the highest possible design standards which provide a high standard of amenity for future users.

Conclusion

16. Although the proposal would be acceptable in a number of respects, it would be contrary to the nature conservation aims of the development plan drawing it into conflict with the development plan as a whole and the environmental aims of the Framework.
17. As the application of policies in the Framework that protect SACs provide a clear reason for dismissing the appeal then I have not gone on to consider paragraph 11dii of the Framework. Nevertheless, the development would provide one house at a time when the Council is unable to demonstrate a five year housing land supply. There would also be some social and economic benefits through the construction of the dwelling and the associated spend of the occupiers in the local area. However these are not sufficient to outweigh the conflict with the development plan.
18. For the reasons above the appeal should be dismissed.

Zoe Raygen

INSPECTOR