



Appeal Decision

Site visit made on 25 February 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/D4635/W/24/3353888

111 and 113 Dunstall Road, Wolverhampton WV6 0NL

- 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 Rohullah Azizi against the decision of Wolverhampton City Council.
 - The application Ref is 24/00262/FUL.
 - The development proposed is partial demolition of single storey rear extensions and change of use from two dwelling houses to a commercial unit (Class E) with a shop on the ground floor and storage at first floor (resubmission).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the appeal, the Council provided an update on the status of its planning policies. Specifically, that Policy D1 of the Wolverhampton Unitary Development Plan 2006 (UDP), had been superseded by Policy ENV3 of the Black Country Core Strategy 2011 (CS). The appellant was provided with the opportunity to comment on this matter during the appeal. I have therefore assessed the proposal against Policy ENV3 of the CS, where Policy D1 of the UDP has been cited by the Council in their decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, with particular regard to noise and disturbance; and,
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

4. No. 111 and 113 Dunstall Road make up a pair of semi-detached properties which are located at the junction to Leicester Street. To the rear of the property are a number of extensions and a garden space. This garden space has an informal layout and appeared to provide an area of space to both properties. Leicester Street contains a mixture of terraced and semi-detached properties, and a medical centre which is directly opposite the appeal site. Despite the presence of the medical centre, the overall character of the immediate area is that of a residential street.

5. Taking the wider area into account, Staveley Road has a strong commercial character when viewed from the appeal site. This is separated from the appeal site by a roundabout at its entrance. This street scene hosts a large presence of commercial properties and as such, is a direct contrast to the character found at Leicester Street.
6. The proposal would involve the partial demolition of the single storey extensions. A car park would be provided to the rear of the site and would be accessed from Leicester Street. No landscaping would be provided in this space. When viewed from the public realm, this would appear as a dominant area of hardstanding. The presence of cars in a tightly packed space with no landscaping would further exacerbate this appearance when viewed from Leicester Street. As such, this element of the proposed development would erode the residential character of Leicester Street with that of a notable area of car parking which relates to a commercial premises.
7. To conclude, the development would conflict with Policy ENV3 of the CS and Policies D4, D6 and D9 of the UDP. These policies seek for proposals to respond to their context, make a positive contribution to the locality and use attractive landscaping where hardstanding or parking areas are formed.

Living conditions

8. The proposed location of the car park and its access point would be immediately next to and across from several residential properties on Leicester Street. Noise would likely occur from vehicles entering and leaving the site, the revving of car engines, the closing of vehicle doors and the sound of car radios, amongst other noise from vehicles utilising the car park. Noise may also occur once a vehicle has been switched off, such as from the sound of voices from within the site and the comings and goings of those on foot.
9. Owing to the close relationship of the proposed car park to residential properties, this would introduce additional noise in a concentrated location where this is not currently experienced. This would be less problematic during daylight hours but would become increasingly detrimental into the late evening. This is a period of the day where neighbouring residents are likely to be settling down and relaxing into the evening.
10. I am mindful that the occupiers of neighbouring residential buildings are not isolated from the noise of cars and the voices of passers by outside of their properties. This could occur through the passing of cars which may have loud engines or car radios, or through an individual speaking when passing a property. However, this would be momentary. In comparison, the car park could be utilised at any point of the day, with cars able to stop for a period of time. During this time, the noise from cars would be evident to the neighbouring properties in close proximity to the development, particularly No. 99 Leicester Street.
11. To conclude, the proposal would conflict with Policies EP5 and H6 of the UDP. These policies note that development must be compatible with adjacent uses, protect the amenity of neighbouring residents and if any proposal is likely to give rise to unacceptable levels of noise, it will not be permitted.

Highway safety

12. Policy AM12 of the UDP notes the levels of car parking, disabled car parking, cycle parking and motorcycle parking which should be provided for new development. This policy is further supported by a set of parking standards. For proposals such as this, the number of spaces required are stipulated by the floor space area of the development. The proposed car park would provide a total of six parking spaces, which would include two disabled spaces. In following the standards set by Policy AM12, this number of spaces would fall below the requirement set by this policy.
13. As such, during busy periods where the demand for the car park would outstrip the small supply of spaces, there would be a greater pressure for car parking in inopportune locations when occupants cannot park within the red line boundary of the site. I noted during my site visit that the demand for on street parking in this area is high due to the high number of properties who do not host private driveways and the parking restrictions in place around the surrounding highway network. The parking of vehicles in locations such as outside the front of the property on Dunstall Road, would create access and movement on the adjacent streets increasingly difficult. This would further erode highway safety as it would reduce safe and convenient movement.
14. As a commercial property, deliveries would be required to be undertaken. As such, a delivery vehicle would be required to be parked for a prolonged period to allow for a delivery to be made. There is no dedicated space available for the servicing of the proposed development. The car park itself would also be a compact space with a small number of spaces in total. This would reduce the ease at which a delivery vehicle could enter and exit a space in a safe manner at times when it would be fully occupied. Collectively, the limited area to manoeuvre, the small number of spaces and the absence of a dedicated servicing space within the car park would likely result in the servicing of the premises from the highway during busy periods. This would be detrimental to highway safety.
15. Comment is made about an approved development close by to the appeal site at Staveley Road. I visited this property during my site visit and it appeared that the development was under construction. No decision notice, officer report or a set of approved plans have been provided. Therefore, I cannot ascertain if planning permission has been granted, or the reasoning behind this decision. Due to the absence of this information, I ascribe very limited weight to this matter in my decision.
16. The appellant note that the existing medical centre does not provide a large area of off-street parking. This existing building is likely to result in the parking of vehicles in the highway due to its small parking provision to its rear. However, this is an existing use and appears to have been in situ for a significant period of time. No decision notice, officer report or a set of approved plans have been provided. I cannot ascertain the reasoning behind this particular decision due to this absence of information. I have found that the appeal proposal would result in a detriment to highway safety. The presence of this existing medical centre would not alter my findings in relation to this issue.
17. The appellant suggests that it is the intention of the Council to create a one-way system on the surrounding highway network. During my site visit, I noted that this change had occurred and as such, I was able to observe the flow of traffic on the

local highway network. Most significantly, Leicester Street is a one-way street and I noted that traffic flow was not particularly busy. Nevertheless, the street had a number of parked vehicles along it due to the strong residential presence. The overspill of vehicles from the car park would still result in the parking of vehicles in opportune locations, regardless of the introduction of a one-way system.

18. To conclude, the proposed development would have a detrimental effect on highway safety and would therefore conflict with Policies AM12, AM15 and H6 of the UDP. These policies require development to provide adequate parking arrangements and contribute to improving road safety.

Other Matters

19. A petition in support of the proposal has been provided within the evidence. While this support is a material consideration, it is of insufficient weight to outweigh the harm identified which is contrary to the development plan as a whole.

Conclusion

20. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR