



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/24/3352490

88 Deans Road, Wolverhampton, West Midlands WV1 2BE

- 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 Veleta Brown against the decision of Wolverhampton City Council.
 - The application Ref is 24/00784/FUL.
 - The development proposed is Change of use from C3 residential dwelling to C2 small children's care home for 1 no. child.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character of the area;
 - whether an adequate supply of car parking provision would be achieved and its effect on highway safety;
 - the effect of the proposal on the overall supply of housing; and,
 - the effect on the living conditions of the occupants of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character

3. No. 88 is a mid-terraced residential property which is situated within a block of four dwellings. Along Deans Road are several examples of this arrangement. A number of these properties, including No. 88 have provided a small parking area to the front of each dwelling. The appearance of the building would not change as a result of the proposal.
4. The scheme seeks to provide a small children's care home for one child and as such, a change of use from a residential dwelling has been applied for. Residential dwellings are typically occupied by a sole family unit, where the activities associated with the property would be regularly undertaken by the same individuals of that family. Nevertheless, I am mindful that members of a family are likely to have their own working hours, differences in behaviour and their own comings and goings.
5. The appellant has set out the shift patterns of the staff which would be employed at the facility. This would involve overnight stays, with a work pattern of two days

on and four days off. As such, this would create a regular pattern of changeover where the staff associated with this use would notably change several times per week. Although less frequent than the change in staffing, the appellant also notes that social and healthcare workers, independent inspectors and members of the family of the child may also visit the property.

6. The proposal would create a transient level of activity which would be made increasingly apparent through the number of people which would be required to come and go from the property. This would include the changeover in regular 'live in' staff to the presence of social workers, healthcare workers and members of the family which may visit on a more sporadic basis.
7. As such, this would create an increase in the comings and goings from the property, by a number of different people. This would be noticeably different from the comings and goings of a regular family in its existing use. This level of activity, where there would be several different people coming and going from the property on a regular basis, would be unlike that which could reasonably be expected with a single-family unit. Therefore, the proposed use of the building would not operate in the same way to the overall residential character of the area.
8. To conclude, the proposal would be in conflict with Policy ENV3 of the Black Country Core Strategy 2011 (CS). This policy seeks for proposals to contribute to good place making, amongst other things.

Car parking provision and highway safety

9. As part of the proposed use, there would be a presence of regular staff and individuals who would visit the site on a more irregular and infrequent basis. These include a manager, social and healthcare workers and members of the family of the child. The appellant notes that at any one time, there would be no more than three vehicles attending to the property.
10. To the front of 88 Deans Road are two parking spaces. As such, the demand for car parking spaces would outstrip its supply. Where vehicle users cannot park within the boundary of the appeal site, this will lead to the parking of vehicles in opportune locations. Deans Road and the immediate area around the appeal site is restricted by double yellow line parking restrictions and a bus stop. The appellant has identified the availability of on-street parking at Julian Road and Rowlands Avenue. These streets are a short walk from the appeal site and therefore, both provide opportune parking locations.
11. The majority of car parking provision for the properties located on Julian Road is restricted to on-street parking, with very few properties hosting their own formal off-street parking provision. The parking of additional vehicles in this location would result in the access and movement on Julian Road increasingly difficult. Rowlands Avenue does host properties with off-street parking provision. However, owing to the locations of driveways and their close relationship with each other, the opportunities for parking on Rowlands Avenue is limited to small gaps between driveways or on corners within the highway. As such, this would restrict the visibility for the drivers of vehicles exiting their driveways onto Rowlands Avenue. The parking of vehicles associated with this change of use within the wider highway network would further erode highway safety as it would reduce safe and convenient movement.

12. The appellant notes their current parking situation, including that of visits from family and friends through family gatherings at 88 Deans Road. Even if these family events do take place on a regular basis, this is unlikely to be an everyday occurrence. In comparison, the appeal proposal would result in the regular overspill of vehicles onto the surrounding highway network, at a detriment to its safety.
13. To conclude, the proposal would conflict with Policies AM12, AM15 and B5 of the of the Wolverhampton Development Plan 2006 (UDP). These policies require proposals to provide adequate parking provision, contribute to improving road safety and to not cause serious nuisance to adjacent uses through the generation of additional traffic.

Housing supply

14. Policy H1 of the UDP notes that the Council will seek to maintain existing residential populations in the city. This is to meet the regeneration objectives of the Council to create a balanced and sustainable urban community which it notes can only be achieved if the existing and future residents of the city have access to a high-quality housing stock.
15. I am cognisant of Paragraph 63 of the National Planning Policy Framework (the Framework). This paragraph notes that in delivering a sufficient supply of homes, the housing needed for different groups should be assessed and reflected. These groups include looked after children. The Council note that they have opened its own internal provision and that there are 33 private children's homes within Wolverhampton. The appellant contends that children's services in other cities have expressed a need for out of area placements across the country. However, there is no convincing evidence to suggest that there is such a demand, or that there is not enough childcare provision within Wolverhampton.
16. As such, the change of use to a small children's care home would reduce the supply of family housing within the area and therefore would not maintain the existing residential population which would be typically associated with a dwellinghouse within the city. To conclude, the development would conflict with Policy H1 of the UDP.

Living conditions

17. The proposal would result in a transient level of activity through the comings and goings from different people who would work at the property. Owing to the different individuals associated with this use, this would create a marked difference in character to that of a single-family unit. The Council have suggested that this would have an effect on the living conditions of the occupiers of neighbouring properties, with particular regard to the noise created from the comings and goings and vehicle movements associated with the proposed use.
18. The appellant has set out an example staff rota which includes the start and finish times of employees. These timings do include late night finishes. However, the evidence notes that these members of staff would be required to sleep at the property until the beginning of day three. A new member of staff would arrive at the premises to changeover the following day.

19. The Council suggest that a handover between staff members would occur at unsociable hours. However, the hours of day where this would occur would be during a time where the occupants of neighbouring properties would be undertaking tasks such as leaving their properties to go to work or take their children to school. Furthermore, in its existing use, it would not be unusual for a family unit themselves to undertake their own comings and goings at this time. I am also cognisant of the presence of additional individuals such as social workers, health workers and members of the family of the child, who may visit the property. However, this would typically be throughout the daytime where movements from a property would be expected.
20. Therefore, the comings and goings of the proposal would not be harmful to the living conditions of neighbouring occupants due to the time of day they are likely to be undertaken. Whilst there would be a transient level of activity, by a number of different people, this would not necessarily cause undue noise and disturbance. This is due to the time of day that these comings and goings, including the noise from vehicle movements, would take place.
21. To conclude, the proposal would not conflict with Policies H6 and AM12 of the UDP. These policies seek for development proposals to protect the amenity of neighbouring residents and for the parking of vehicles to address amenity issues.
22. Policy AM15 of the UDP is cited by the Council in their decision on this matter. However, this is not directly relevant to this matter as it is concerned with road safety and personal safety. Therefore, I have not assessed this main issue against Policy AM15 of the UDP.

Other Matters

23. The appellant has provided the references to a number of planning applications at different stages of the appeal to support their case. No decision notice, officer report or a set of approved plans have been provided for any case. Therefore, I cannot ascertain if planning permission has been granted, or the reasoning behind these decisions. Due to the absence of this information, I ascribe very limited weight to these cases in my decision.

Conclusion

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

J Smith

INSPECTOR