



Appeal Decision

Site visit made on 1 April 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/R1845/W/24/3356698

21-22 Blackwell Street, Kidderminster, Worcestershire DY10 2DU

- 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 Alchemy Business Ventures Ltd against the decision of Wyre Forest District Council.
 - The application Ref is 24/0608/FUL.
 - The development proposed is Construction of 2no. apartments and replacement of existing roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide a suitable standard of living conditions for future occupiers with particular regard to outlook and natural light.

Reasons

3. The appeal site comprises a pair of mixed commercial-residential units that form part of a larger terrace. To the rear of the units is a covered courtyard and outbuilding. The proposal covers the removal of the roof and the replacement of the outbuilding with a new two-storey building. A portion of the host building would also be demolished to enlarge the courtyard.
4. Through my site visit and the submissions before me it was clear that the courtyard would form a small space enclosed on all sides by walls at least two-storeys high. The adjoining building to the north of the site is not only three-storeys in height but also set slightly up-hill from the appeal site. The side wall of this property would particularly contribute to the sense of enclosure. Although I note the enlargement of the courtyard, this would not be sufficient to provide an adequately open and pleasant outlook for future occupiers of the ground floor. Although raised higher against the walls, the outlook from the first floor flat would still be close to the opposing walls and any outlook above these would be enclosed by the pitched roof over the host building.
5. The appellant's Report on Daylight & Sunlight (the Report) details the light levels provided to both the ground and first floor flats. Although I am content from the Report that the first-floor flat would receive a good level of natural light to the two habitable rooms, the levels shown for the ground-floor flat are much lower.
6. In particular, natural light received by the living-kitchen-dining room would be largely limited to the areas closest to the window and door, quickly dropping to

below, what I understand to be, 150lux. In particular, the area set aside for the kitchen is shown as being within the 50-100lux range. The Report identifies that across at least half their space, living rooms should receive at least 150lux and kitchens should receive at least 200lux. Whilst lux levels may not be covered by local policies, the report nevertheless demonstrates that the main room serving the ground-floor flat, in which future occupiers would be spending most of their time, would be dark and future occupiers would be reliant upon artificial lighting. This would not, therefore, support a suitable standard of living conditions, especially when taken cumulatively with the poor outlook noted above.

7. In my considerations above I have been mindful that the appeal site is within a built-up, central location where there is to be some expectation of smaller plots with tighter outlooks. However, the degree to which the outlook from, and light to, the main habitable rooms of these units are restricted is beyond what could typically be expected. Moreover, as I have found above, it would result in a poor standard of living conditions.
8. Although the proposed windows may be larger than originally suggested, this would not materially affect the outlook for future occupiers which would still be restricted by the existing development that bounds the courtyard. Also, the proposed floor spaces, while they may meet the Technical Housing Standards – Nationally Described Space Standards, would not be sufficient to outweigh the harms identified above.
9. The lack of any useable outside amenity space provided on site has not been determinative in my considerations of the above matters but, I note the nearby park which could be used by future occupiers.
10. The proposal would not provide a suitable standard of living conditions for future occupiers. It would, therefore, conflict with Policies SP2, SP20 and DM24 of the Local Plan 2016-2036 which collectively, and amongst other matters, require developments to be of a high-quality design that provides adequate outlook and access to sun and day light. The proposal would also comply with Paragraph 135(f) of the National Planning Policy Framework (the Framework) which requires developments to promote well-being with a high standard of amenity for future users. Although I have been mindful of the Design Guidance Supplementary Planning Document, from the extracts available to me, it does not appear to be directly relevant to the matters upon which the appeal turns.

Other Matters

11. The appellant has made reference to a planning permission (ref: 23/0706/FUL) and I note the comparisons made. Although the appellant suggests that the council have been inconsistent in their decision-making, I have not been provided with the full details and facts of this case. Whilst other decisions are capable of being material considerations, they turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Conclusion

12. The Government's objective is to significantly boost the supply of housing and the proposal would provide two new dwellings in a location with direct access to

services and facilities. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.

13. Conversely, the proposal would result in harm by way of providing poor living conditions for future occupiers in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
14. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR