



Appeal Decision

Site visit made on 29 July 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/V4630/W/25/3366846

Mount Street Stores, 51 Mount Street, Walsall WS1 3PF

- 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 Ali against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 25/0135.
 - The development proposed is two storey rear extension to accommodate 2 no self contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the decision notice and the appeal form, as this more succinctly describes the proposal.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for future occupants with regards to internal living space, noise and odour, outlook, and outdoor amenity space.

Reasons

Internal living space

4. The proposed flats would not meet the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS) in terms of overall internal living space. The standards are not specifically referenced in the Council's planning policy documents, and as such should be treated as guidance in assessing the requirements for the gross internal floor area of new living accommodation.
5. The indicative plans show the proposed two new flats as two-storey and as having two double bedrooms. The NDSS has a minimum requirement of 79m² for two-bedroom, four person, two-storey units. The internal floor area of the proposed flats have been measured as falling short of the NDSS minimum figure.
6. Although only guidance, the NDSS nonetheless provides a useful benchmark for considering the quality of accommodation in terms of floorspace. Furthermore, it is noted that the NDSS figures are minimum requirements. The effect of the shortfalls would lead to the accommodation feeling cramped and would reduce the options of furniture placement. Given the deficiency in the overall floorspace, circulation within the proposed living and bedroom areas would be somewhat

constrained for the intended number of occupants. As such, the proposed development would not provide acceptable living conditions for future occupants with regard to internal living space.

Noise and odour

7. An extraction flue system has been installed onto the appeal property, to exhaust food odours from the existing café and takeaway. The top of the flue would extend to a similar height as a rooflight in the loft bedroom of one of the proposed flats. Fumes and odours could therefore be discharged into the bedroom of the future occupiers whenever the rooflight was open.
8. I have not been provided with any substantive evidence, such as noise or odour assessments, indicating any mitigation measures that could suitably address concerns regarding the noise and odour that the extraction flue system produces. Assessments, once carried out, may require amendments to the height or position of the extraction flue system, and it is not possible to fully know the implications of any changes, or whether adequate mitigation could be achieved, without such assessments.
9. I therefore cannot be satisfied that the proposal would provide acceptable living conditions for future occupiers of the proposed flats with regard to noise and odour.

Outlook

10. The proposed loft bedrooms would each be served by two rooflights. These would allow for ventilation and for natural light to penetrate into the rooms, sufficient to undertake general domestic activities.
11. However, the rooflights would only allow for restricted views from the loft bedrooms. Due to the limited internal space within the flats, the lack of outlook would exacerbate the sense of enclosure and feeling of oppressiveness. Consequently, the proposal would not provide acceptable living conditions for future occupiers of the proposed flats with regard to outlook.

Outdoor amenity space

12. The proposed outdoor amenity space to serve the two flats would be hard landscaped. It would be enclosed, but would be shared between the flats. The Designing Walsall Supplementary Planning Document (SPD) (2008, revised 2013) indicates that 20m² of useable space per dwelling is required where communal provision is provided.
13. However, the SPD is only guidance, and in tightly knit, urban residential areas such as the appeal site, smaller outdoor amenity spaces are characteristic of the area. The space would be small, with a limited outlook, but would be functional, being of sufficient size to enable future occupiers to sit out and dry washing, and would allow for small container gardening. The space would allow for the storage of bins and bicycles. Moreover, there are areas of open recreational space and play areas within a short walking distance which could be utilised by future occupiers of the flats on occasions that they required more recreational space.
14. The proposal would therefore provide acceptable living conditions for future occupiers of the proposed flats with regard to outdoor amenity space.

Overall

15. The proposed development would provide acceptable living conditions with regard to outdoor amenity space. However, it would not provide acceptable living conditions with regards to internal space, noise and odour, and outlook. The proposal would therefore conflict with Policies GP2 and ENV32 of the Walsall Unitary Development Plan (2005), with Policies CSP4 and ENV3 of the Black Country Core Strategy (2011) and with Policy HC2 of the Walsall Site Allocations Document (2019) which together seek to ensure that development is of a high quality design, achieves a satisfactory residential environment, and is not susceptible to pollution.

Other Matters

16. The appellant has commented that there was no opportunity to submit alternative proposals through the application process. However, this does not fall within the remit of this appeal. I have had regard to the merits of the case, on the basis of the submitted evidence before me.
17. The proposal would provide additional residential units, close to the site of a new mosque currently under construction. It would align with the aim of the National Planning Policy Framework to significantly boost the supply of housing and which recognises that small-scale developments can make an important contribution to meeting the housing requirement. There would also be social and economic benefits associated with the build and occupation of the units to the wider area. These benefits would each be small given the scale of the scheme. These benefits do not outweigh the lack of acceptable living conditions for future occupiers that would result from the proposal with regard to internal space, noise and odour, and outlook.

Conclusion

18. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
19. As a result, the appeal should be dismissed.

L C Hughes

INSPECTOR