



Appeal Decision

Site visit made on 4 November 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/P4605/W/25/3369182

321A Wylde Green Road, Sutton New Hall, Sutton Coldfield, Birmingham B76 1RF

- 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 S Loescher against the decision of Birmingham City Council.
 - The application reference is 2024/01753/PA.
 - The development proposed is the change of use for the C3 dwelling on the site to a dentists surgery use on the ground floor and a self-contained apartment on the first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, the effect of the proposal on the supply of family housing; secondly, whether the location is suitable for an expanded dental surgery; thirdly, the effect of the proposal on highway safety with regard to vehicle parking; and fourthly, the effect of the proposal on the living conditions of the occupiers of nearby properties with reference to potential noise and general disturbance.

Reasons

Supply of family housing

3. The proposal is to reconfigure the existing residential and dental use at the appeal property by converting and altering the ground floor of the existing dwelling to expand the current dental surgery. A new self-contained 2-bedroom flat would be created at first floor level. Although residential use would continue, the appeal scheme would nonetheless result in the loss of a family-sized dwelling from the local housing stock.
4. Policy TP35 of the Birmingham Development Plan (BDP) aims to prevent the loss to other uses of housing unless there is a good planning justification or an identified social need for the new use. The Birmingham Housing & Economic Development Needs Assessment (HEDNA) supports this approach. The HEDNA notes, amongst other things, that demand is greatest for open-market 3-bedroom dwellings. It also identifies a need for larger family homes in Sutton Coldfield. This evidence underscores the importance of protecting the supply of family-sized dwellings.
5. The appellant states that the existing practice has an ever-expanding patient list, that patients are currently being turned away, and that the planned 5,500 new homes at the nearby Langley development will further increase demand for dental

services. These points indicate a growing demand for local dental provision; however, the supporting statement provides limited quantitative evidence to demonstrate the precise scale or extent of an unmet need.

6. I recognise the wider context of pressures on NHS dental provision, which is documented. However, demand does not equate to an identified unmet need. No information has been provided with regard to waiting lists, the number of patients without access to NHS dentistry, or exactly how the increased number of treatment rooms would address any shortfall in existing dental provision. Nor is there convincing evidence to demonstrate that an intensification of the use must occur specifically at this site rather than within alternative premises. Accordingly, the general benefit of expanded dental capacity carries only moderate weight.
7. No substantive evidence has been provided to show that the appeal dwelling is unsuitable for families or that there is a lack of demand for family homes in this location. In those circumstances, and given the findings of the HEDNA, there is nothing before me that would suggest the existing dwelling does not make an important contribution to the Council's central policy objective to make best use of the existing housing stock.
8. I note that a smaller flat would better suit the personal circumstances of the appellant than the existing dwelling. Personal preference, however, is not determinative factors under BDP Policy TP35. No evidence has been advanced that suggests that there is an identified social need for a 2-bedroom flat in this location notwithstanding retirement accommodation near to the site.
9. Overall, I conclude on the first main issue that the proposal would have a harmful effect on the supply of family homes. Accordingly, it conflicts with BDP Policies PG3, TP35 and TP37 and the policies of the National Planning Policy Framework (the Framework). Together, these policies seek to ensure a balanced housing stock that is capable of meeting present and future needs.

Location

10. BDP Policies TP21, TP24 and TP37, together with the Council's Shopping and Local Centres Supplementary Planning Document (SPD), steer health facilities to designated centres to maximise accessibility, enable linked trips and to support the vitality and viability of those centres. The site lies about 100 metres from Walmley Local Centre, but it remains clearly outside the defined boundary.
11. The existing dental practice is long-established. No external extensions are proposed, and I agree that the predominantly residential character of this part of Wylde Green Road would remain largely unchanged if the proposal were to come forward. However, the increase to 5 treatment rooms, as proposed, and the increase in staff numbers would significantly enlarge the dental practice and it is relevant to consider whether the use should be located within a designated centre.
12. The proposal would be within convenient walking distance of Walmley Local Centre and there is potential for staff and patients to carryout linked trips. The appellant asserts that suitable premises are not available within this centre and that relocation would be unviable given the modest size of shop units and their configuration and that it would disrupt patient care. However, few specific details have been provided of systematic assessments of vacant or potentially adaptable

units within the Centre or the precise problems that would arise if the practice were to relocate. Therefore, I cannot be satisfied that no suitable alternative premises exist within the centre or that the site represents the most appropriate location for accommodating the proposed level of expansion. On that basis, I cannot be certain that the proposed development would not undermine the vitality and viability of Walmley Local Centre.

13. On the second main issue, I conclude that there is insufficient evidence to conclude that the site is an appropriate location for an expanded dental surgery. It is therefore contrary to BDP Policies PG3, TP21, TP24, TP37 and TP44, and the Framework, which prefer community health facilities to be within centres.

Highway safety and parking

14. To meet the relevant standard set out in the Birmingham Parking Supplementary Planning Document (BPSPD), the Council states that a total of 21 off-street parking spaces would be required to serve the enlarged dentist surgery. The appeal plans, however, show 7 parking spaces on-site. The Council considers that about 5 vehicles could realistically be accommodated on the forecourt of No 321A. In contrast, the appellant estimates that 7 additional spaces would be required given the extra treatment rooms and the reduction in the number of bedrooms proposed.
15. Either way, it seems to me that the level of on-site parking proposed would fall short of the recommended standard. However, BPSPD standards are intended as guidance rather than mandatory thresholds, and, in my view, each proposal should be assessed on its own merits having regard to local highway conditions.
16. The existing dental practice is well-established with no recorded accidents related to its access or parking arrangements. From what I saw, there are 2 access points to the site; reasonable visibility of other road and footway users along the site's highway frontage; and an open forecourt that allows vehicles to enter and exit free of obstruction. Although the Council states that the parking layout does not fully meet BPSPD standards, no substantive evidence has been provided to clearly demonstrate that the proposed arrangement would necessarily give rise to unsafe turning movements that would pose a safety hazard to users of Wylde Green Road beyond that already established at the site.
17. The site is within a predominantly residential and is accessible on foot for a significant number of people. There are bus stops nearby and storage would be provided for bicycles at the front of the building. There would, therefore, be the opportunity for patients to access the enlarged dental practice without relying upon the private car. I note that staff (other than the appellant) do not park on-site. The findings of the appellant's parking survey also demonstrate that overspill parking could be accommodated on roads close to No 321A. My own observations of on-street parking availability, albeit a snapshot in time, also reflect this position.
18. Against that background, I am satisfied that additional demand for on-street parking would not be so great as to cause or aggravate the problems of verge parking, traffic congestion or driveway obstructions to which the Highway Authority and several interested parties refer and provide photographs.
19. The established use of the existing forecourt for patient vehicle parking provides an indication of how vehicles can and do safely manoeuvre. The lack of swept path or

tracking diagrams is therefore not necessarily a decisive omission. While it is likely that additional vehicle movements would be generated, I am not persuaded that these would rise to significantly different access and parking patterns or vehicle manoeuvring that would lead to an unacceptable impact on highway safety.

20. On the third main issue, I find that while the level of on-site parking would be below the recommended standard in the BPSPD, the evidence does not demonstrate that the proposal would result in significant harm to highway safety. As such, it does not conflict with BDP Policies PG3, TP37 and TP44, the BPSPD or the Framework. Together, these policies and guidance aim to ensure that safe and suitable access is provided for all users.

Living conditions

21. The proposal would increase the number of movements of people and vehicles to and from the site. However, the practice has operated in this location for some time and the operating hours would remain limited to weekday daytime periods and Saturday mornings. The appeal building is detached and benefits from reasonable separation distances to the adjacent retirement accommodation and surrounding dwellings. There is also the noise from the steady flow of traffic using Wylde Green Road as it passes the site.
22. In that context, I consider that the proposal and its related activity would not give rise to unacceptable levels of noise or general disturbance for the occupiers of nearby properties. The proposal therefore complies with the planning policies cited by the Council insofar as they aim to safeguard residential amenity.

Other matters

23. The appellant states that the proposal will create employment and therefore contribute to the local economy. This matter does not outweigh the identified harm.

Planning balance and conclusion

24. The proposal would expand dental provision, for which there is general demand. It would not cause significant harm to the living conditions of others or to highway safety. The proposal would, however, result in the harmful loss of a family dwelling and there is insufficient information to conclude that the site is an appropriate location for the enlarged dentist surgery.
25. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR