



Appeal Decision

Site visit made on 19 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/G4620/W/19/3236392

54 Surfeit Hill Road, Cradley Heath B64 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Singh against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/19/62906, dated 2 October 2018, was refused by notice dated 12 June 2019.
 - The development proposed is retention of 1no first floor flat self-contained and construction of 3no new self-contained flats. Plus conversion of existing ground floor shop storage room into new self-contained shop.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council contends that the 1:500 scale indicated on the submitted layout drawing (drawing no 101/8) is not accurate as this would mean the width of the site to the site frontage would be approximately 144 metres (m). From my observations on site the Council's assertion is correct. I also note that the planning application forms state that the site area is 309 square metres (sq m), yet the forms also give the existing gross internal floorspace of the A1 retail element of the building as being larger than this at 315.1 sq m. These factors indicate that there are clear inaccuracies in the appellant's measurements.
3. Additional existing and proposed parking layout plans (drawing nos 101/11, 101/12 101/13, 101/14 and 101/15) not listed on the Council's decision notice, have been submitted as part of the appeal. The Council has confirmed these drawings were not before them at the time of their decision. Given the late stage at which these drawings have been provided and being mindful of the 'Wheatcroft Principles', I consider that acceptance of these revised layouts would deprive those who should have been consulted from an opportunity to comment. I have therefore considered the appeal on the basis of the layout drawing that was before the Council when they determined the planning application.

Main Issue

4. The main issue is whether or not the proposal would give rise to inconvenience for road users on Surfeit Hill Road arising from additional demand for on-street parking.

Reasons

5. The appeal site contains a building in use as a local convenience store with a residential flat at first floor level and associated hard surfaced areas either side of the building. The area is predominantly residential in character. Whilst some dwellings have off street parking, there are others in the area that do not. There is a bus stop to the section of footpath which fronts the appeal site. Whilst I acknowledge my visit only provided a snapshot of the parking situation in the area, I noted that on street parking on both sides of Surfeit Hill Road was prevalent, often with vehicles mounted on the pavement.
6. A proposal for three additional flats and a further self-contained shop would undoubtedly increase the demand for parking on the appeal site when compared with the existing situation. The Highway Authority requested a survey be carried out to assist in establishing whether the site could cope with the extra demand for parking at peak times, but this has not been provided. The layout plan on which the Council based their decision (drawing no 101/8) indicates that a total of 27 parking spaces would be provided on the site. 15 of these spaces would be for shoppers, 8 spaces for residents, 3 spaces for shop staff and 1 space for unloading.
7. The Sandwell Metropolitan Borough Council Revised Residential Design Guide Supplementary Planning Document (2014) (the SPD) confirms at Table 9 under Appendix 3 that off-street parking space dimensions in parking courts for residents should be 2.8 metres (m) x 5.0m. The SPD also specifies that the minimum manoeuvring width required to the rear of any parking space is 6.0m and that a service strip or buffer zone should also be provided between parking spaces and boundary fences, walls or buildings around the perimeter of the parking area. The Council advise that parking spaces associated with the retail element of the building would need to be of similar dimensions at 2.8m x 4.8m.
8. Based on my on-site observations and a visual comparison with the proposed layout, I consider it unlikely that the spaces shown on the proposed drawing would be of a sufficient width and depth to facilitate ease of use. Consequently, the proposed layout would be impractical and in reality would have the potential to result in conflict between vehicles attempting to manoeuvre in and out of spaces. This would be particularly the case when applying the requirements of the SPD. I have no detailed dimensions on the spaces or plans nor other evidence such as vehicle tracking plans to convince me otherwise.
9. I am therefore not convinced by the evidence before me that suitable means of off-street parking would be provided for residents, customers and staff using the development. The inadequacies identified would be likely to dissuade people from using the car park, increasing the potential for vehicles to be parked on the highway. The lack of an appropriate parking survey to substantiate the number of parking spaces proposed, does nothing to persuade me that the submitted layout would be commensurate to meet the requirements of the development.
10. Even had I been in a position to consider the additional plans referred to in my procedural note, the lack of an appropriate survey to establish an appropriate level of parking remains. Furthermore, the parking spaces on the additional drawings are a variety of sizes and shapes. There are instances where the orientation of spaces and their relative proximity to each other, or to the building on the site, would have the potential to inhibit the manoeuvring of

vehicles in and out of spaces. These plans would not therefore have overcome my concerns.

11. To conclude, I am not persuaded by the evidence before me that the number of spaces or the parking layout proposed would cater for the additional demand for parking that would be likely to result from the development. The development therefore has the potential to increase competition for on-street spaces which would be likely to result in inconvenience for road users on Surfeit Hill Road. Consequently, the development would conflict with the requirements of Policy ENV3 (Design Quality) of the Black Country Core Strategy (2011) and Policy EOS 9 (Urban Design Principles) of the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document (2012) which amongst other things require high quality design and confirm that poor design will be rejected with particular regard to be paid to the ease with which the public are able to move through and around the development.
12. The proposal would also conflict with Paragraph 127 of the National Planning Policy Framework (the Framework) which states that developments should function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development.

Other Matter

13. Concerns raised with regards to the Council's handling of the planning application are not a matter for me to assess for an appeal made under Section 78 of the Act.

Planning Balance and Conclusion

14. The Council has confirmed that it cannot currently demonstrate a five-year housing land supply. The development plan cannot therefore be considered as being up to date. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
15. The site is sustainably located and the proposal would make a modest contribution towards the Council's housing targets through the provision of 3 additional residential units. The development has the potential to have some modest economic benefits through the development itself, the expenditure in the area of additional occupants and the provision of a new retail unit.
16. However, the harm identified in terms of the inconvenience for road users and the conflict with the development plan and national policy is a matter which significantly and demonstrably outweighs the modest benefits of the proposal when assessed against the policies of the Framework as a whole.
17. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR