



## Appeal Decision

Site visit made on 10 January 2023

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 March 2023**

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**Appeal Ref: APP/C3430/W/22/3303455**

**68 Sandringham Road, Wombourne WV5 8EF**

- 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 J Adams against the decision of South Staffordshire District Council.
  - The application Ref 21/01239/FUL, dated 20 November 2021, was refused by notice dated 3 March 2022.
  - The development proposed is described as 'the proposed conversion of siting room back to integral garage, removal of front porch together with a 2 bed detached dwelling with associated parking'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant submitted amended plans as part of their appeal. These amend the proposal by repositioning the dwelling slightly further back from Sandringham Road and by the addition of 3no windows to its east elevation. They also include a marginal increase in the dimensions of the proposed dwelling so to increase its internal floorspace.
3. I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. However, where amendments are proposed regard should be had to the 'Wheatcroft' principles<sup>1</sup>, including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity.
4. In my view, the amendments would not materially alter the proposed development such that to grant it would result in a development substantially different from that previously consulted upon. As such, I find that there is no prejudice that would justify re-consultation. In these circumstances, I see no conflict with the Wheatcroft principles. I have therefore taken the amended plans into consideration.

### Main Issues

5. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;

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<sup>1</sup> Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL 1982]

- the effect of the proposed development on highway safety, with particular regard to the provision of adequate off-street parking; and
- whether the living conditions of future occupiers would be acceptable, with particular regard to the provision of internal living space.

## **Reasons**

### *Character and Appearance*

6. The appeal site is located within a residential area and comprises the existing property at 68 Sandringham Road and its curtilage. The surrounding area includes a mix of housing types and designs, however the majority of properties in the immediate vicinity are two-storey semi-detached dwellings. Irrespective of their type and design, these existing properties share a common pattern and form in that they maintain a relatively consistent building line and spacing between properties, with wide frontages that provide parking or front garden areas.
7. The site forms a corner plot which is bounded by Sandringham Road to the north and Kirkstone Crescent to the east. Dwellings which occupy corner plot locations have generally retained their generous plot sizes and are set back from the highway, providing a spacious and open feel which contributes positively to the area. The appeal proposal seeks the sub-division of the plot and the erection of a rectangular shaped two storey detached dwelling to the side of the existing property.
8. The development would be located in close proximity to the site's eastern boundary with Kirkstone Crescent. Whilst the distance between the proposed dwelling and the existing property at No 68 would be comparable to distances which exist between other dwellings in the locality, the development would result in the majority of the space to the side of No 68 being lost thus eroding the spacious and open nature of the prominent corner plot.
9. Although the overall size of the appeal site would be capable of accommodating a dwelling with sufficient private amenity space to the rear, due to the footpath which runs through the highway verge between Sandringham Road and Kirkstone Crescent the north-eastern corner of the appeal site is cut off at an oblique angle. As a result, the proposed dwelling would have a very small and narrow area to its frontage which would fail to relate to the wide driveways and gardens commonly found to the front of properties in the surrounding area.
10. This lack of space to its frontage combined with the short distance between the proposed dwelling and the site's eastern boundary would result in the development appearing cramped and uncomfortable, causing harm to the character and appearance of the area.
11. In addition, the proposed dwelling would sit noticeably behind the building line of No 68 and other properties along Sandringham Road. Consequently, whilst the height and size of the proposed dwelling would be in keeping with the surrounding properties, its positioning behind the existing building line would result in the development being at odds with the prevailing character of the area.
12. I acknowledge that the existing single storey garage at No 68 sits significantly behind the building line of the existing dwellings along Sandringham Road.

However, the garage is modest in size and scale and is clearly read as a detached outbuilding within the curtilage of No 68 and does not impact upon the general pattern and form of development in the surrounding area. Accordingly, its presence does not weigh in support of the appeal proposal.

13. The appeal site's corner plot location results in it being visible from several directions. Despite the presence of existing vegetation along the eastern boundary, the east facing side elevation of the proposed dwelling would be highly visible and prominent when viewed from Kirkstone Crescent. Although the bay window and further additional windows included within the amended plans would provide variation and break up the otherwise blank side elevation, the proposed dwelling would remain as an overly dominant and intrusive feature within the street scene.
14. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. The development would conflict with Policy EQ11 of the South Staffordshire Council Core Strategy (adopted December 2012) (CS) which seeks, amongst other matters, to ensure that developments respect local character and distinctiveness and contribute positively to the street scene.

#### *Highway Safety*

15. The proposed development would provide two car parking spaces for the new 2-bed detached dwelling. The proposal would also provide the existing 3-bed dwelling at No 68 with two car parking spaces as well as an integral garage.
16. Policy EV12 of the CS requires development proposals to make appropriate provision for off street parking, in accordance with adopted parking standards. The Council's parking standards are set out in Appendix 5 of the CS which recommends that 2 and 3 bed dwellings should provide 2 car parking spaces within their curtilage, with each parking space being a minimum size of 2.4m x 4.8m. Notwithstanding that the width of the integral garage at No 68 would be marginally below the required 2.4m, the proposal would still provide both the existing and proposed dwellings with a number of car parking spaces that would accord with the Council's parking standards.
17. However, given the limited amount of space to its frontage the arrangement of the parking spaces afforded to the proposed dwelling would see cars parked in a line one behind another. Though the combined length of these two spaces would be acceptable, this lack of external space coupled with the proximity of the two external parking spaces provided to No 68 would result in a lack of space for manoeuvring on site. I also find that the parking arrangements would be impractical as when all parking spaces were occupied, the vehicle nearest to the proposed dwelling would be unable to exit the site.
18. Consequently, I find that the proposed parking arrangements would significantly increase the likelihood that occupants would choose to park on the highway. Given the proximity of the appeal site to the junction of Sandringham Road, Windsor Road, and Kirkstone Crescent, along with the curvature of nearby roads, I consider that this would be to the detriment of highway safety. It is also apparent from several representations received from interested parties that due to the presence of nearby facilities and services there is already a demand for on-street parking in the vicinity of the appeal site, particularly at peak times. For the reasons stated above, I find that the

proposal would only serve to add to this demand for on-street parking thus making manoeuvrability on the highway more difficult which would further negatively impact upon highway safety.

19. As a result, I therefore conclude that the proposed development would fail to provide adequate off-street parking and would have a detrimental effect upon highway safety. The proposal would therefore be contrary to Policy EV12 of the CS which seeks, amongst other matters, to ensure that developments provide appropriate provision for off-street parking including having regard to the impact on highway safety from potential on-street parking.

### *Living Conditions*

20. The appeal scheme seeks the erection of a 2-bed dwelling, with the amended plans submitted with the appeal indicating that 'bedroom 1' would be a double bedroom and 'bedroom 2' a single bedroom. Accordingly, the appellant states that the proposed scheme is for a two-bedroom, three persons dwelling over two storeys.
21. In assessing whether the amount of internal living space provided is adequate, the main parties have referred to the Technical Housing Standards - Nationally Described Space Standards (NDSS). However, the NDSS is not embedded within the CS which instead provides its own minimum space standards. Nevertheless, the NDSS still provides an indication of what amount of internal space would be reasonable for a new dwellinghouse.
22. The appellant states that the amended scheme now provides the proposed dwelling with an overall internal floor area of 70m<sup>2</sup>, a figure which has not been disputed by the Council. Appendix 6 of the CS details that the overall minimum floor space for a two-bedroom, three persons dwelling should be 66m<sup>2</sup>, with the NDSS stating that such a dwelling should have a minimum area of 70m<sup>2</sup>. The proposed development would therefore comply with the minimum overall internal floor area as set out in both the CS and NDSS.
23. The Council however have raised concerns that given the internal layout, four persons could potentially accommodate the dwelling. Appendix 6 of the CS states that a two-bedroom, four persons dwelling should have a minimum overall internal floor area of 77m<sup>2</sup> with the NDSS requiring 79m<sup>2</sup>, which the proposed development would fail to achieve.
24. Whilst I note the Council's concern, it is not substantiated. The submitted floor plans indicate a double bedroom and a single bedroom and though 'bedroom 2' could potentially also accommodate a double bed and therefore two persons, I consider that such an event would be unlikely. In any case, the overall internal floor space would not fall significantly below the minimum standards set out in the CS and the dwelling would still provide a satisfactory amount of internal space, including the ground floor which would be open plan and provide a generous amount of space for the living/dining area and kitchen.
25. In view of the above, I consider that the dwelling would be of sufficient size to provide adequate internal living space. The living conditions of future occupiers would therefore not be adversely affected as a result. Accordingly, there would be no conflict with Policies EQ9, EQ11 and Appendix 6 of the CS which seek, amongst other matters, to ensure that developments do not unacceptably affect the amenity of residents.

### **Other Matters**

26. The appellant has referred to a dwelling known as Brook View, which is located on Kirkstone Crescent on the opposite side of the footpath that is immediately adjacent to the appeal site. The appellant considers that Brook View is a similar form of development to the appeal scheme. However, whilst there are some similarities, there are also several differences including Brook View continuing the consistent building line of adjacent properties, and it not occupying a prominent and exposed corner plot location. In any event, each case has to be assessed on its own merits. Accordingly, the presence of this property does not justify the harm which I have identified that the appeal proposal would cause.

### **Conclusion**

27. I have identified that the proposal would cause harm to the character and appearance of the area and would be to the detriment of highway safety. Whilst the development would be acceptable in terms of its effect on the living conditions of future occupiers, this is of neutral effect when weighed in the planning balance.
28. The proposed development would conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

*David Jones*

INSPECTOR