



Appeal Decision

Site visit made on 5 November 2009

by Gary Deane BSc(Hons) DipTP MRTPI

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
22 December 2009**

Appeal Ref: APP/R1845/A/09/2107220

26 Wood Street, Kidderminster, Worcestershire DY11 6UE

- 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 M Bourne against the decision of Wyre Forest District Council.
- The application Ref 08/0957/FULL, dated 29 October 2008, was refused by notice dated 23 December 2008.
- The development proposed, as described on the application form, is the 'proposed retention of existing store building and additional car parking spaces'.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 26, 27 and 27a Wood Street with particular regard to private amenity space.

Reasons

3. The proposal would extend and reconfigure the car park to the rear of 26 Wood Street that was approved as part of a new build residential development to provide nine, 1-bedroom flats and one, 2-bedroom flat under planning permission WF/0684/03. The proposed car parking would facilitate the retention of the storage building, in part, which is situated to the rear of No 26 and would otherwise have been removed as part of the approved scheme. The proposal would improve the current appearance of the storage building primarily by reducing its scale and size, and through the proposed use of materials to match the new build development at No 26.
4. A substantial part of the rear garden of the property at 27 Wood Street, which I understand comprises a 1-bedroom flat and a 2-bedroom flat (27 and 27a Wood Street), would be developed for car parking as part of the proposed development. The rear garden of this property would be significantly reduced in depth and size which would severely limit its value as attractive and useable external space to the occupiers of these flats. Whilst the resultant rear garden would provide relatively small areas for drying and sitting out, it would be of little value, for example, in providing an suitable area for children's play. On that basis, I consider that the proposed loss of the rear garden to Nos 27 and 27a would unacceptably harm the occupiers' enjoyment of their property.
5. The future occupiers of the flats at No 26 would share a communal private amenity area located to the rear of that property, the overall size of which

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- would be reduced from the approved scheme. There would be little useable private amenity space available to future occupiers over and above that required for bin storage and drying. I therefore consider that the lack of usable private amenity space would be harmful to the living conditions of the future occupiers of No 26.
6. The appellant has stated that the amount of proposed amenity space per flat, compares similarly with that provided under the approved scheme as it applied to No 26. Whilst that may be the case, there is also a need to take into account matters such as attractiveness and usability of the space particularly as both Nos 26 and 27 include a 2-bedroom flat that would be suitable as family accommodation.
 7. Planning Policy Statement 3, *Housing*, emphasises the importance of taking the needs of children into account where family housing is proposed and ensuring that there is good provision of recreational space, including private gardens and play areas. For the reasons set out above, the proposal would not accord with this guidance. The Council has also referred to an Inspector's decision (Ref: APP/H5960/A/05/1192298) that they consider echoes this point. However, no detailed information has been provided regarding the decision or the proposed scheme to which it relates. I attach little weight to this.
 8. I acknowledge the appellant's point that there may be local parks and other amenity space nearby which would be accessible to the occupiers of Nos 26, 27 and 27a. However, this would not be as convenient as dedicated usable space to the rear of the property. Moreover, it would not compensate for the proposed scheme that is manifestly inadequate in terms of private amenity space provision.
 9. The introduction of parking spaces adjoining the shared rear boundary with 28 Wood Street would also increase the prospect of potential noise and disturbance to the occupiers of No 28 through, for example, the starting up and manoeuvring of cars within the proposed car park. However, this disturbance would be mitigated, to some degree, by the proposed fencing along the boundary. I note that the Council found this type of boundary treatment acceptable with regard to the rear of Nos 27 and 27a under the approved scheme. Against that background, I do not consider that this matter would be sufficient reason to withhold planning permission if the proposed scheme was otherwise acceptable.
 10. Notwithstanding my findings with regard to this latter point, I conclude that the proposal would not provide satisfactory living conditions for occupiers of 26, 27 and 27a Wood Street, in that it would result in a lack of adequate private amenity space. Consequently, the proposal would not comply with Policies D.1 and D.13 of the Wyre Forest District Local Plan. These policies seek to ensure that new development complements and respects any adjacent development and provides adequate private amenity space.

Conclusion

11. I have noted the concerns raised by an interested party and have had regard to all other matters raised, including the usefulness to the appellant of retaining

the building for storage purposes and the co-existence of this building with nearby housing over a considerable period of time. I have also taken into account the appellant's point that the proposal would be an efficient use of land and make the building more secure than in its current condition.

12. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR