



Appeal Decision

Site visit made on 15 April 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/G4620/W/24/3354923

63-65 Rood End Road, Oldbury B68 8SJ

- 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 Ranjit Singh against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/24/69432.
 - The development proposed is change of use from existing flats to care home for elderly.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from existing flats to care home for elderly at 63-65 Rood End Road, Oldbury B68 8SJ in accordance with the terms of the application, Ref DC/24/69432, subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs was made by Mr Ranjit Singh against Sandwell Metropolitan Borough Council and is the subject of a separate decision.

Preliminary Matter

3. The address on the application form was 63 Rood End Road, Sandwell, Oldbury B68 8SJ, however the address given on the decision notice and the appeal form was 63-65 Rood End Road, Oldbury B68 8SJ. Based on the information before me, this is a more accurate address for the appeal site and thus in the interest of certainty and clarity, I have used this address in the banner heading and my formal decision.

Main Issues

4. The main issues relevant to this appeal are:
 - The effect of the proposal on highway safety
 - The effect of the proposal upon the living conditions of the occupiers of the proposed development and nearby occupants with regard to noise disturbance and air pollution; and
 - The effect of the proposal upon the living conditions of the occupiers of the proposed development with regard to facilities as well as internal and external amenity space.

Reasons

Highway Safety

5. The proposed development would seek to convert the existing apartment building to a 17 bedroom care home for the elderly. Based on the information before me the Council does not have parking standards, but the Council's Development Control Engineer identified a need to provide 11 car parking spaces within the appeal site to accommodate the proposed use. To the rear of the appeal building is a parking court which is accessed through a central archway in the building and the proposal includes 11 car parking spaces within this parking court. The Council's Development Control Engineer had no objection to the layout and size of the parking spaces and did not object to the application.
6. It is expected that the care home would have 4 permanent staff working at all times throughout the week. There would also be 2 cleaning staff working evening shifts and a chef and an assistant working during the day. As such, based on the information submitted there could be 6 staff on site at one time, not including staff changeovers. Consequently, the proposal would provide enough parking spaces for the staff if they all drove to work. Only two of the parking spaces would be allocated to two of the permanent staff who would work in the office whilst the rest of the spaces would be unallocated.
7. The proposal would provide 17 self-contained flats and as such it could accommodate 17 residents. The appellant states that the proposed care home would cater for the needs of those elderly who need help with daily tasks and personal care. As a result, it is possible that the residents could all own a private car or vehicle. If this was the case and the staff all drove to work, then the proposal would not have sufficient car parking spaces on site to accommodate all of the vehicles.
8. However, the site is located within close proximity of the Rood End local centre which has bus services as well as a short stay car park. Furthermore, a condition has been suggested to provide cycle parking on site and this alongside the availability of bus services nearby would support alternatives to car travel for staff and visitors. Taking into consideration the location of the building and the proposed use, on balance, it is likely that residents, visitors and staff would not be reliant on private car use to meet their day-to-day needs. Alternative transport provision could be used and given that the site is located near to services and facilities in Rood End it is also likely that the occupants would be able to walk to them.
9. Whilst parked vehicles and bins on pavements can cause issues for pedestrians and particularly those with mobility issues, it is not evident that the residents of the proposed care home would be unable to safely access local services and facilities on foot or otherwise. Additionally, a condition has been suggested to secure waste storage on site which would seek to ensure the waste storage would be properly managed which should contribute to relieving concerns with waste storage causing a disruption to pedestrians associated with this building.
10. Comments have been received from interested parties concerning the lack of availability of on street parking nearby and there are parking restrictions on nearby roads. However, even if vehicles, including emergency vehicles, need to park on Rood End Road, there is on street parking available on the road and other nearby

roads and given that parking has been provided on site, there would likely only be a limited number of additional cars or vehicles that may need to park on the surrounding roads, associated with this development. Based on the information before me the current apartments each have one bedroom and thus two adults could live in each apartment and could conceivably each own a vehicle. As such, the number of additional vehicles that may need to park nearby from the proposed use compared to the existing use would likely be limited. There is also a pay and display car park near to this site which could be used by those visiting the care home.

11. Similar to the existing parking layout, there would appear to be space centrally within the parking courtyard for vehicles to turn around within the site to exit in a forward gear. This layout would also allow manoeuvring space for vehicles to be loaded and unloaded within the appeal site without disrupting the free flow of traffic on the public highway.
12. As long as vehicles are parked safely, which is a matter of individual behaviour rather than the use of the building, it has not been shown on the balance of probability that the development would significantly harm the free flow and safe movement of traffic, including for pedestrians, cyclists and motor vehicle users. As such, the residual cumulative impacts of the development upon the road network would not be severe, taking into account all reasonable future scenarios.
13. Therefore, for the reasons given above the proposed development would not have an unacceptable impact on highway safety. No development plan policies have been referred to in the decision notice but reference has been made to the National Planning Policy Framework (the Framework), and the development would generally be in accordance with it, insofar as it states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, which there would not be in this instance.

Living conditions with regard to noise and air pollution

14. The appeal building is located on a road near to shops, schools and other facilities and as such, based on the information submitted and what I saw on my site visit, vehicular traffic regularly passes the site. The building is also already used for residential purposes with a car park to the rear so noises of vehicles entering and exiting the site would not be unusual in this context. Additionally, as discussed above, it is not evident that this development would significantly increase the number of vehicular trips in the area, nor is there substantive evidence that air pollution is a significant issue in the area or that this development in particular would have a harmful effect upon air pollution locally. As such, there is no substantive evidence that the vehicular traffic generated by this scheme would significantly increase the amount of noise or air pollution in the area to the point where it would cause significant harm to the living conditions of nearby residents or the residents of this scheme.
15. A building in C2 use is still classed as residential, and the day-to-day use of the building would be similar to the apartment building. This is not substantially different to a Use Class C3 building where adults with specialist needs can live. The type of noise and disturbance from this use would not be materially different from that which can occur in the apartments.

16. The future occupiers in care could have a wide variety of needs but there is no substantive evidence before me that they would cause significantly harmful disruption to the neighbouring occupiers. Consequently, the proposed use would be compatible with the adjacent uses and would not cause significant harm to the living conditions of nearby occupiers. Whilst there may be noise from nearby uses, those uses are generally residential or small-scale commercial uses and it has not been robustly evidenced that the surrounding uses and any associated noise from them would cause significant harm to the residents of the proposed care home.
17. While I note comments regarding the amount of traffic that passes near to the site, it is not evident that the noise from this traffic would make the outdoor amenity area unusable. It is also located to the rear of the building where some of the noise from nearby traffic would be partly screened by the building itself.
18. Therefore, the proposed development would not have an unacceptable effect upon the living conditions of the occupiers of the proposed development or nearby residents with regard to noise and air pollution. No development plan policies have been referred to in the decision notice, but reference has been made to the Framework, and for the reasons given above, the development would be in accordance with it, insofar as it states that development should create places with a high standard of amenity for existing and future users.

Living conditions with regard to facilities as well as internal and external amenity space

19. Each of the proposed 17 bedrooms would have their own en-suite bathroom and on the ground floor of the building would be a shared dining area and lounge. The appellant states that there would be space for around 28 people in the dining area with space for approximately 22 people to socialise in the lounge. As such, around 50 people could use this shared space at any one time to socialise, eat and undertake other day-to-day activities.
20. Based on the information before me the Care Quality Commission states that premises should be suitable for the purpose for which they are being used, as well as appropriately located to suit the accommodation that is being used, amongst other matters.
21. Each individual room would have space for a single bed alongside some modestly sized furniture, as well as en-suite bathrooms. This would provide private internal space, and each room would have a window which would ensure natural light and outlook in accordance with the Council's Revised Residential Design Guide Supplementary Planning Document (SPD). Whilst some of the bedrooms would look towards the rear elevations of the dwellings to the rear of the site, the considerable distance between the appeal building and those dwellings would ensure the outlook would not be harmfully enclosed. The development would provide personal en-suite facilities within the bedrooms for the individuals ablutions and as such these would be appropriately located and would provide secure private facilities for the residents.
22. An on-site chef and assistant would provide meals for the occupiers and there would be space for all residents to sit and eat at the same time, if required. There would also be space for carers to assist if necessary. Whilst it is unlikely that all residents would use the lounge at the same time, there would be space for all of the residents, visitors and carers to socialise in the lounge. The residents would also have their own personal space in their rooms. Taking into consideration the

number of proposed residents and the size of the shared space, this would provide suitable internal shared amenity space for the occupants of the care home, as well as those visiting.

23. Further to this, a laundry room is proposed within the building which would provide services for cleaning and drying clothes, as well as the kitchen. Additionally, a lift is proposed which would provide step-free access to the first floor of the building. Separate facilities, including a toilet and office are also proposed for the staff.
24. Overall, it is not evident that the facilities that would be available within the building would not be sufficient to meet the day to day needs of the residents, where they are capable of doing so themselves. This would be dependent on the individuals care needs and will vary from person to person. Whether appropriate care would be provided on site is a matter that is covered by other legislation and there is no substantive evidence that this development would not comply with this legislation.
25. The Council's SPD states that for nursing, care and extra care homes adequate levels of external private amenity space will be expected and relate to built form in terms of its usability and outlook.
26. The outdoor amenity space would be split around the car parking to the rear with areas of soft landscaping in each corner of the car park, as well as a patio area to the rear of the building, outside of the shared lounge. Benches would also be provided on the patio area, as well as within one of the areas of open space. Given that these areas of open space would be around the car park, the usability of the space would be relatively limited, although for the purposes of sitting out and socialising the space would be adequately sized for that need, taking into consideration the size of the care home. Furthermore, as there is a laundry room, the occupiers would not be reliant on this outdoor space to dry clothes.
27. Given that this outdoor amenity space is located towards the rear of the building it would be private and in light of the distances from the rear of the dwellings nearby there would only be limited overlooking from the dwellings to the rear and either side of the building. This would not be substantially different than the existing external amenity space for the apartment building and in built up areas such as this, some limited overlooking between residential uses is not uncommon or necessarily harmful to the occupiers' living conditions.
28. Therefore, taking into consideration the proposed use of the building, the size of the internal and external space, including the facilities that would be provided on site, the development would create a suitable living environment for the residents of the care home. Consequently, the development would not harm the living conditions of the occupants of the care home and would comply with Policy SAD H4 insofar as the site and building are suitable for the proposed use.

Other Matters

29. No additional windows are proposed on the first floor of the rear elevation of the building and these windows serve the existing apartments. As such, there is already limited overlooking between the occupiers of the apartments and the surrounding houses. The reuse of this building would maintain this residential use and would generally maintain the existing levels of privacy nearby.

30. The proposal would result in existing residents of the apartments, including some children, needing to find other accommodation. However, there is no substantive evidence that they would need to leave the area or necessarily find any particular difficulty or face any particular disadvantage in doing so.
31. Concerns had been raised regarding a collapsed wall to the rear of the appeal site. However, at my site visit I saw a timber fence had been erected along the rear boundary of the site.
32. I note comments from interested parties concerned with the increased demand on drainage infrastructure. However, I have not been provided with robust evidence that the existing drainage infrastructure locally would be unable to accommodate the proposed development.
33. Concerns had been raised regarding the accuracy of the existing floor plans may for the apartments. However, even if this may be the case, I have no substantive evidence that the plans for the proposed scheme are not accurate.
34. Matters relating to the occupation of the existing building are a civil matter that would need to be dealt with accordingly between the relevant individuals.
35. The planning system does not exist to protect private interests such as the value of land and property. Thus, I have given this negligible weight in coming to my decision.
36. If an application sought an alternative use for this building, then that application would be considered on its own merits, like this scheme before me.

Conditions

37. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed those conditions I consider meet the relevant tests, subject to minor amendments to ensure precision and brevity without changing their overall intent. With regard to Section 100ZA (5) of the Town and Country Planning Act 1990, the appellant has given their written agreement to the pre-commencement condition attached to this decision.
38. Further to the statutory commencement condition [1], a condition requiring the development is carried out in accordance with the submitted plans is necessary in the interest of certainty [2].
39. A condition requiring a Construction Environmental Management Plan is necessary in the interest of the living conditions of the nearby occupiers [3]. It is necessary for this to be pre-commencement to ensure a plan is agreed before construction works, which may affect the living conditions of the neighbouring occupiers, begins.
40. Conditions requiring the car and cycle parking is secured in accordance with the submitted plans is necessary in the interest of highway safety [4 & 7].
41. A condition requiring the hard and soft landscaping is necessary in the interest of the character and appearance of the area [5]. Furthermore, a condition requiring the surface materials shall match the existing building is necessary for similar reasons [9].

42. Conditions requiring the waste storage, and the external lighting scheme are approved is necessary in the interest of the living conditions of nearby occupiers and the residents of the scheme [6 & 8].
43. A condition specifying that the development shall only be used for the purpose applied for is necessary in the interest of the living conditions of the occupiers of the care home and the surrounding residents [10].
44. Given that a fence has been erected along the rear boundary of the appeal site, a condition requiring one is erected is not necessary. As such, I have not included this suggested condition from the Council.

Conclusion

45. The proposed development would be in accordance with the development plan as a whole and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: OS/1002; Rev C – 1004 – 04; Rev C – 1004 – 05; Rev C – 1005 – 06; Rev A – 1002 – 07.
- 3) The development hereby permitted shall not take place, including any works, demolition or site preparation, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development, and construction works; delivery, demolition and construction working hours. The approved CEMP shall be adhered to throughout the construction period for the development hereby permitted.
- 4) The development hereby permitted shall not be occupied until the space shown on drawing no Rev C – 1005 – 06 for the parking and manoeuvring of vehicles has been provided in accordance with the approved drawing. When provided the space for the parking and manoeuvring of vehicles shall thereafter be retained.
- 5) The development hereby permitted shall not be occupied until a detailed hard and soft landscaping and planting scheme has been submitted to and approved in writing by the local planning authority. The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development first being occupied. Any tree, hedge or shrub planted as part of a soft landscaping and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a

period of 3 years from the date of first planting shall be replaced in the next planting season.

- 6) The development hereby permitted shall not be occupied until details of waste storage to serve the development has been submitted to and approved in writing by the local planning authority. The approved waste storage shall be implemented before the development is first occupied and shall thereafter be retained.
- 7) The development hereby permitted shall not be occupied until details of secure cycle parking within the development has been submitted to and approved in writing by the local planning authority. The approved secure cycle parking shall be implemented before the development is first occupied and thereafter be retained.
- 8) The development hereby permitted shall not be occupied until an external lighting scheme has been submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be implemented before the development is first occupied and shall thereafter be retained.
- 9) The external materials of the development hereby permitted shall match those used in the existing building.
- 10) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as stated in the description of development (care home for elderly) and for no other purpose, including any other use falling within Class C2 of the Use Classes Order.