
Appeal Decision

Site visit made on 21 August 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 5th September 2017

Appeal Ref: APP/C4615/W/17/3168004

65 Highfield Road, Dudley, West Midlands DY2 7QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr K Chandramohan against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/1090, dated 21 July 2016, was refused by notice dated 15 November 2016.
 - The development proposed is 6 studio apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application indicated that landscaping was the only matter for which approval was being sought. The Council's refusal notice however indicated that access, appearance, layout and scale had been considered. This is the basis on which the appeal has been made and on which I have made my decision.

Main Issues

3. The main issues in this case are:
 - i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) whether the proposal would have a harmful effect on the living conditions of adjoining occupiers in relation to privacy; and
 - iii) the effect of the proposal on highway safety.

Reasons

Character and Appearance

4. Highfield Road is situated on a suburban housing estate. The road has footways that are wider than are usually found, and their width includes some roadside trees. The houses along the road are generally semi-detached with front gardens of a good size. Whilst the gardens are not of a constant depth due to the alignment of the road, they are a constant feature along the road.

They are an important element in the definition of the street scene space and character, and the spacious character gives the area a relaxed atmosphere.

5. The front elevation of the proposed building would have a small set back behind the footway of Highfield Road. This set back would be far less than the depth of gardens along the road. The building would therefore intrude into the street scene and its open space corridor. This intrusion would occur in a prominent location due to the gradient along Highfield Road. The proposal thus would not take account of the area's character or respond to the identity of, or be in keeping with, its surroundings, notwithstanding the use of matching materials. It would therefore conflict with Core Strategy¹ (CS) Policies HOU2 and ENV3 and UDP² Saved Policy DD4 in this regard.
6. I recognise that the position of the building would maximise the area of the rear gardens for the studio flats, but this benefit would not outweigh the harm that I have identified.
7. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. I further conclude that it would thus conflict with CS Policies HOU2 and ENV3 and UDP Saved Policy DD4 in this regard.

Living Conditions

8. The kitchen window of Studio 6 in the proposed building would allow overlooking of the garden of 1 Mons Road, which I consider could result in an unacceptable loss of privacy. The room which this window would serve would however have a dual aspect, and any window in this elevation could therefore be fitted with obscured glazing. The appeal proposal thus would be able to minimise any amenity impact in accordance with CS Policy HOU2. It also would not necessarily result in an unacceptable adverse effect on residential amenity as set out in UDP Saved Policy DD4.
9. I therefore conclude that the proposal would not necessarily have a harmful effect on the living conditions of adjoining occupiers in relation to privacy. I further conclude that it would thus not conflict with CS Policy HOU2 or UDP Saved Policy DD4 in this regard.

Highway Safety

10. The proposed site block plan submitted with the application identified 6 off-highway parking spaces which I consider would be sufficiently close to the proposed studio flats to be conveniently used and to promote off-highway parking. The appeal documents include a revised block plan identifying an existing lamp post and telegraph pole in close proximity to the parking spaces. The lamp post would prevent the use of one of the parking spaces in the application drawing. The telegraph pole would not however have a similar effect, on the basis that vehicles using the parking spaces would have to manoeuvre to use the proposed dropped kerbs in any event.
11. The revised plan shows the sixth parking space outside of the appeal site. Whether this area is under the control of the appellant is unclear. In any event however, I consider that, as the proposed amenity space to the rear of the

¹ Black Country Core Strategy: February 2011

² Dudley Metropolitan Borough Council: The Dudley Borough Unitary Development Plan: October 2005

building exceeds the Council's minimum requirement, sufficient space would exist to the rear of the five parking bays to provide 6 bays in total. This could be required by condition

12. I therefore conclude that the proposal would not necessarily have a detrimental impact on highway safety and that it would thus not conflict with UDP Saved Policy DD4 in this regard.

Other Matters

13. I understand that the proposal received positive pre-application advice from the Council. This is however non-binding, and I have therefore given the matter little weight in my decision.

Conclusion

14. I have found that the proposal would have a harmful effect on the character and appearance of the surrounding area. Whilst it would not necessarily have an unacceptable effect on the living conditions of adjoining occupiers or highway safety, this would not be sufficient to outweigh the harm that I have identified. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR