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## Appeal Decision

Site visit made on 10 March 2020

**by Rachel Walmsley BSc MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 April 2020**

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**Appeal Ref: APP/C4615/D/20/3246061**  
**20 Dorchester Road, Pedmore DY9 0XD**

- 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 Jon Ballard, Minley Developments Ltd against the decision of Dudley Metropolitan Borough Council.
  - The application Ref P19/1336 dated 20 September 2019, was refused by notice dated 12 November 2019.
  - The development proposed is 2<sup>nd</sup> storey extension over previously approved single storey garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The residential area within which the appeal site sits is characterised by frontage properties, many of which are semi-detached. Properties have been altered and the balanced form and style of semi-detached houses and the Mucklow house style has been lost in places. However, the overall form of the semi-detached houses and features such as integrated single garages, enclosed porches and bay windows create some uniformity which gives Dorchester Road its pleasant residential character.
4. The appeal site, being a corner plot, has a prominent position in the street scene and so the appeal property plays a key role in defining the character of the area. The front and side elevations of the existing dwelling in particular are exposed to public views and so impact noticeably on local character.
5. Notwithstanding the history of the appeal property and its adjoining neighbour, and some differences in fenestration and detailing, the properties share a form and scale that read unmistakably as a pair of semi-detached houses. Whilst the proposed development would be set down from the existing ridge line and set back from the front elevation, the development would increase the scale and mass of the existing house considerably. This would disrupt the symmetry with the adjoining property and harm the integrity of the existing property as a

- semi-detached house. In turn, the development would appear incongruous alongside the houses in Dorchester Road.
6. Sufficient space would be retained between the development and the site boundaries for the development to not appear unduly large for its plot or appear overly dominant and therefore harmful to the sense of openness that the corner plot provides. Nevertheless, this does not compensate for the harm found to the character of the appeal property and surrounding area. The amendment submitted with the appeal to re-instate tile hanging highlights the retained sloping roof feature. However, this does not alter the overall scale and mass of the development which I have found would cause harm.
  7. The appellant has implemented planning consent P15/0026 by erecting the side dormer extension. The conversion of the garage to living space and the erection of a side extension have been delayed but could be completed at any time. The material difference between this permission and the appeal proposal is the development proposed at first floor. To have any weight in this appeal the 'fallback' position would need to have similar or worse effects than the appeal scheme. The development at first floor of the consented scheme would be smaller in scale than the appeal proposal and so would be less harmful to the character and appearance of the host dwelling and surrounding area. Consequently, the proposed development would be more harmful than the 'fallback' and so does not carry weight in this appeal.
  8. I have no evidence before me of the Council's reasoning for the permission granted in 2015. I am therefore unable to comment on the circumstances that led to that decision or offer a view on the Council's assessment of the proposal in relation to the semi-detached character. The appellant draws my attention to several houses within the wider area that exhibit poor design or have extensions that have created an imbalance in design. There are no examples before me that have the same context and form of development as that proposed for me to make fair or reasonable comparisons between the two. The matter of precedent, therefore, does not weigh in favour of the appeal. Notwithstanding this, each case must be decided on its own merits, according to the facts and circumstances pertaining to that case, and it is on this basis that I have found harm.
  9. The approach taken to overcome the reasons for refusal pertaining to application P19/0188 is welcome. As is the amendment submitted with the appeal to reinstate the tile hanging and highlight the sloping roof feature. However, this does not affect the scale of the development which I have found would relate poorly to the character of the original house.
  10. I note the lack of objection by the Council to matters including parking and neighbouring amenity. However, this does not justify allowing development which I have found to be otherwise harmful.
  11. It is not within the remit of this appeal to comment on the events that led the Council to its decision. Any grievances the appellant has in this regard should be directed to the Council.
  12. The National Planning Policy Framework (the Framework) and policies S6 and L1 of the Local Plan<sup>1</sup> promote development that functions well and contributes

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<sup>1</sup> Dudley Borough Development Strategy, Adoption March 2017

to the overall quality of the area. This means that development should be visually attractive and sympathetic to local character. PPN17<sup>2</sup> relates to extensions specifically and states that development should relate to the character of the original house and be of a high standard of design and layout that is compatible with the surrounding area. Whilst the principle of a two-storey extension is not prohibited by these policies, for the reasons given above, the development would be harmful to the character and appearance of the area and therefore contrary to the Framework and the Local Plan.

### **Conclusion**

13. For the reasons given above, I conclude that the development would be contrary to the Development Plan and the Framework and therefore the appeal is dismissed.

*R Walmsley*

INSPECTOR

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<sup>2</sup> Dudley Planning and Leisure Department, Planning Guidance Note No.17, House Extension Design Guide