
Appeal Decision

Site visit made on 10 August 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2021

Appeal Ref: APP/C4615/W/21/3269031

131 Wolverhampton Road, Sedgley, DY3 1QT

- 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 J Gibbons against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/1843, dated 17 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is the erection of detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's name is taken from the application form, which is usual.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area and;
 - the effect of the proposal on the adjacent trees.

Reasons

The effect on character and appearance

4. Wolverhampton Road is a busy route through the Dudley suburbs. In the vicinity of the appeal site, it is long and straight and there are numerous trees. The appeal site is on a cul-de-sac off Wolverhampton Road, where there is a linear line of houses set back behind a frontage of open space and vegetation.
5. The proposed dwelling would be to the front of the cul-de-sac and substantially forward of the building line. It would be prominent from Wolverhampton Road as there is a gap in the tree line at this point. It would appear disjointed and out of place being isolated from the discernible linearity of the building line of the cul-de-sac. The linearity of the building line also emulates the straightness of the Wolverhampton Road.
6. The proposed dwelling would occupy the most conspicuous part of the open space at the front of the cul-de-sac. Even as a bungalow, it would foreshorten the view from Wolverhampton Road, spoiling the sense of openness and the

perception of this green enclave amongst the surrounding extensive development. I note that the site is currently not used, however it is not unsightly.

7. I therefore conclude that the proposal would spoil the character and appearance of the area.
8. Black Country Core Strategy Policies HOU2 and ENV2 seek to avoid impacts, take account of the characteristics of the area and maintain the strong sense of place. Policy L1 of the Dudley Borough Development Strategy (DBDS) similarly requires the siting of development to respond to the context. The New Housing Development SPD highlights the need for development to reflect the character of the area. It notes the importance of green wedges. Paragraph 126 of the National Planning Policy Framework (the Framework) requires the creation of high quality, beautiful and sustainable buildings and places. Paragraph 130 requires that development is sympathetic to local character. The proposal would be in conflict with the above policies and guidance.

The effect on adjacent trees

9. Adjacent to the appeal site is a row of mature and varied specimens. They are prominent in public view and due to their size and extent of canopy provide a landmark. The submitted arboricultural method statement acknowledges the trees are in good health and have adapted to their environment.
10. The trees are within a wide grass verge, and are above the appeal site, behind a low retaining wall. The submitted report shows that the dwelling would be within the root protection area of several of the trees and given the site is currently not hard surfaced the roots are likely to be significant. Whilst a raft foundation is proposed, some ground works would still be required and even with care and excavation by hand some roots would be likely to be severed.
11. The roots would also be in disturbed ground which would not replicate the current growing conditions. Additionally, the structure above their roots would create a very different environment. Consequently, the growth and vitality of the trees would be impaired.
12. The tree canopies would be to the south /south west of the dwelling. I note the submission on the potential shading which shows the extent varying according to the season. However, the rear garden at least in part and rear aspect of the dwelling would be affected which one would reasonably expect to have quality living conditions. I therefore find that the shading would be significant which would put pressure on the trees for pruning.
13. I note that leaf guards are proposed, which would reduce nuisance from leaf litter. However, falling debris would also be a significant problem.
14. Additionally, the affected trees are mature and in a prominent location and consequently, any replacement planting would not achieve the same character.
15. I therefore conclude that the proposal would harm the adjacent trees.
16. Policy S22 of the DBDS requires consideration of the impact of development on trees and the replacement of any loss. Paragraph 131 of the Framework highlights the importance and value of trees to the character and quality of urban environments. The proposal would be in conflict with these policies.

Other matters

17. The additional dwelling would have social and economic benefits and contribute to housing land supply. The occupants would be well placed to use local services and a vacant site could be utilised. However, these benefits would not outweigh the harm that I have found above.

Conclusion

18. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR