



Appeal Decision

Site visit made on 21 February 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15TH March 2022

Appeal Ref: APP/C4615/D/22/3290299

50 Corser Street, Oldswinford, Stourbridge, DY8 2DQ

- 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 Mrs Sara Shakespeare against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1739, dated 15 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is a rear dormer to enlarge existing boxroom in loft.
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Decision

1. The appeal is allowed and planning permission is granted for a rear dormer to enlarge existing boxroom in loft at 50 Corser Street, Oldswinford, Stourbridge, DY8 2DQ, in accordance with the terms of the application, Ref P21/1739, dated 15 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3) The external materials to be used in the construction of the dormer shall be those detailed on the submitted application form and plans. The colour of the external materials shall be submitted to and agreed in writing by the local planning authority prior to the commencement of the development. Only the approved colour shall be used and thereafter retained.

Main Issue

2. The main issue is the effect of the rear dormer on the Love Lane Conservation Area (CA).

Reasons

3. There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
4. The Love Lane CA is a residential area comprising attractive houses of varying age, scale, design and materials. Several houses within the CA have roof lights and dormer windows to the front and rear. I have not been provided with a

Conservation Area Appraisal and the local planning authority (LPA) report does not set out what it considers to be the special significance of the CA.

5. The Heritage Statement and Design and Access Statement provided by the appellant identify the dominant characteristics of the CA as being well kept Victorian terraces and villas, sizeable houses, strong street patterns and clearly defined frontages. I would concur with this view, which has not been disputed by the LPA.
6. The LPA's reason for refusal states that the proposal would be harmful to the significance of the host property. I have not been advised that the host property is a designated or non-designated heritage asset in its own right. The designated heritage asset in this case is the CA, not the appeal property. Paragraph 207 of the National Planning Policy Framework (the Framework) confirms that not all elements of a Conservation Area will necessarily contribute to its significance. Whilst the appeal dwelling undoubtedly makes a positive contribution to the CA, I am not convinced by the evidence before me that the proposal would result in any loss or harm to the significance of the CA or what makes it special.
7. The appeal property is a late 19th/early 20th century, unlisted, three storey, semi-detached villa, constructed in red brick with small red clay tiles on the roof. The rear elevation is simple in comparison to the ornate frontage of the dwelling. The proposed rear dormer would have a sloping roof and would be finished in aluminium cladding, with aluminium framed window and doors and a glass balustrade. The colour of the external materials has not been specified but could be conditioned to be agreed with the LPA prior to commencement of the development. The dormer would be set well below the ridgeline of the main dwelling and no higher than the ridgeline of its rear wing. Important features such as chimneys would be retained and there would be no significant loss of historic fabric. The scale and siting of the dormer would not dominate the roof and would be of good quality contemporary design and materials that clearly distinguish between the old and the new.
8. Due to the scale and position of the proposed dormer, to the rear of the property and behind the rear wing of Nos. 46 and 48 Corser Street, it would not be visually prominent in any important views. Indeed it would only be visible at all from small parts of Robin's Close, a modern residential cul-de-sac to the rear of the site, which lies outside of the CA boundary. Other modern extensions and alterations that have been recently approved and constructed to the rear of the appeal property and neighbouring No. 48 are also visible from Robin's Close.
9. In my view, the proposed dormer would preserve the character and appearance of the CA and would cause no harm to its special architectural or historic significance.
10. I therefore find no conflict with policy ENV2 of the Black Country Core Strategy (2011) or policies S8, S9 and L1 of the Dudley Borough Development Strategy (2017), which collectively seek amongst other things to preserve historic assets, local character and local distinctiveness. The development is also considered to accord with the council's Planning Guidance Note 17, Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

Conditions

11. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials and colours is necessary to ensure that the development would not harmfully detract from the character and appearance of the CA.

Conclusion

12. For the reasons given above the appeal is allowed.

Rachael Bartlett

INSPECTOR