



Appeal Decision

Site visit made on 22 March 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 19 April 2022

Appeal Ref: APP/C4615/W/21/3283394

Land adjacent to No 1, Norton Road, Norton, Stourbridge

- 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 Rockford Estates Limited against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/1608, dated 20 October 2020, was refused by notice dated 24 March 2021.
 - The development proposed is described as 'erection of an apartment block consisting of 9 flats, associated car parking and ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, the Appeal Form describes the proposal as "Erection of an apartment block consisting of 8 apartments, associated car parking and ancillary works." Given this is a more accurate description of the proposed development, I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a previously developed parcel of land fronting Norton Road. It is adjacent a two and three storey building that forms the junction between Norton Road and Worcester Street at the back edge of the footway. The area is mixed in terms of uses and architecture. It is part of an area designated as an Area of High Historic Townscape Value, albeit the Council's evidence as to why is unclear. I observed the area to have an open and spacious feel, owing mainly to the spacing of building groups and the width of streets and footways. Buildings, on the whole, tend to be two storey and contained in plots of reasonable substance which lends a pleasant homogeneity to the scale and design of the area. These elements contribute positively to its character and appearance.
5. As a three storey building at the back edge of the footway, the appeal scheme would be a prominent addition to the street scene. Whilst this in and of itself would not give rise to harm, when coupled with its height and rough filling of

what would be a size constrained plot would give the appearance of a large building somewhat squeezed into a contextually small space, adversely affecting the spaciousness of the area. The height of the building specifically would also compete for visual dominance with the adjacent building on the junction. This building is clearly nodal and a focal point of the street scene and wider junction. This effect would unbalance and blur its relationship with others around it, to the detriment of the structure and relationship of local buildings.

6. There are other structures of substance in the immediate area such as a tall brick wall and the Mary Stevens complex and park to the south. Said wall is however smaller in overall height to the proposals and the Mary Stevens complex is read in its own contained and design grounds, without a presentation to the back edge of the street. These elements would not therefore justify the appeal scheme.
7. The site is of a constrained shape and size. However, by virtue of its siting, scale and massing, the proposal would appear unduly cramped in its plot and have an unsympathetic, overbearing impact on the area. This would result in unacceptable harm to the character and appearance of the surrounding area. The proposal therefore fails to accord with Policies ENV2, ENV3, HOU1, HOU2, CSP4 of the Black Country Core Strategy (2011). Amongst other things, these policies require development to be of a high quality design and make a positive contribution to the character and appearance of its surroundings. The proposal also fails to accord with Policies S1, S6, S8, L1, S12 of the Dudley Borough Development Strategy (2017), which collectively seek to encourage sustainable development that is responsive to the context and character of the local area. In addition, the proposal would conflict with the Council's New Housing Development SPD (2013), which seeks to protect the local distinctiveness and character of an area.
8. The appellant argues that the design of the proposal represents a high quality scheme. However, paragraph 130 of the Framework states that new development should be sympathetic to local character, including the surrounding built environment. For the reasons given above, the proposal would not be an appropriate design for its setting and would not respond to the local character of the area. As such, the proposal would not represent high quality design that would integrate effectively with its surroundings. It would therefore fail to accord with paragraph 130 of the Framework.

Other Matters

9. The proposal would re-use previously developed land and also potentially tidy up a vacant and under used site. This would however be in a manner that would cause demonstrable planning harm, as I have explained above.
10. The proposal would make a contribution to the delivery of housing for the area, but given the overall number of units, I would ascribe only moderate weight to this matter.
11. The appellant claims that further amendments to the proposal would have resulted in the scheme being unviable. However, the appellant has not provided any viability information to support these claims. I therefore attach little weight to these concerns.

12. Although the proposal would provide some social and economic benefits, such as during the construction phase, and future occupiers being able to contribute to the local economy and wider community, these benefits would be mainly in the short to medium term and overall tempered by the scale of the proposed development.

Conclusion

13. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR