
Appeal Decision

Site visit made on 15 March 2022 by A Coombes

Decision by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/C4615/D/22/3291252

2 Pebworth Grove, Dudley DY1 3BQ

- 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 J Asim against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1698, dated 6 September 2021, was refused by notice dated 1 November 2021.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises a two-storey side extension, single storey front extension, porch and canopy and single storey rear extension. The Council dealt with the proposal on this basis, and so shall I.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the host dwelling and surrounding area, including its effect on nearby trees.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is a two-storey semi-detached property. Positioned upon a hillside, the property occupies the corner plot created by the junction of Pebworth Grove and Nith Place. The appeal property is at a higher level than Nith Place, separated from this road by a grass verge within which there are a group of trees and shrubs. Pebworth Grove is mostly formed of semi-detached properties of similar ages and styles to the appeal site.

6. The extensions would use materials to match those in the host dwelling, and would replicate some design features, such as roof pitch and eaves levels. The side extension would be set back from the front elevation at first floor level, and would have a lower ridge than the host. Nonetheless, when taken as a whole, the presence of extensions to every elevation of the house would combine to appear as a substantial and dominating addition to the host building. The totality of the extensive bulk of the extensions when compared to the modest size of the host would appear overly prominent, and particularly so because of the elevated nature of the property.
7. The houses within Pebworth Grove are positioned behind front gardens, and this creates an open appearance to the street, with the houses forming a long, defined line that frames the road. A similar open setting to the road is also apparent with the nearby houses in Nith Place, and this, along with the verge bordering the appeal property, all contribute towards the open, spacious nature of the area. Although there is an existing single storey side extension to the house, the combined impact of the height, size and large bulk of the proposed extensions would harmfully erode the open nature of the area. The front and side extensions would project beyond the building lines formed by nearby houses, thereby disrupting the spacious and defined appearance of the street scenes. Even with the presence of the verge, the elevated nature of the property in relation to the level of Nith Place would result in the extensions appearing unduly conspicuous.
8. The appellant has provided two examples of other corner plot developments. 31 Nith Place benefits from a side extension, but it is single storey, and has a legible subservience of size to the host building. There is a two-storey side extension at 41 Pebworth Grove, but this property is positioned within a much less prominent context and the extension does not project beyond the front elevation of the house. As such, neither comparison forms a binding precedent for approving the appeal scheme.
9. For the reasons given above, the development would cause unacceptable harm to the character and appearance of the host dwelling and to the surrounding area. Therefore, it would fail to comply with Policies ENV2 and ENV3 of the Black Country Core Strategy, adopted 2011, and with Policies S6 and L1 of the Dudley Borough Development Strategy (DDS), adopted 2017. These policies and the guidance in the Council's Planning Guidance Note No. 17 House Extension Design Guide, seek amongst other things, that development protects and enhances local distinctiveness and character through high quality design, and that which responds to its context, thereby reflecting objectives of the National Planning Policy Framework (the Framework) and the National Design Guide.

Trees

10. A characteristic of Nith Place is the presence of trees to either side of the highway. These trees create green focal points within the area, providing leafy skylines and settings to the road and nearby buildings. Although not protected, the trees adjacent to the appeal site form a distinct group that are visible from some distance away. They make a positive contribution to the area as they create a verdant focal point in the street scene.
11. As the canopies of the trees spread into the appeal site, parts of their crowns would need to be removed to erect the extensions, and this would include

works beyond the appeal site boundary so as to accommodate construction. Furthermore, the proximity of the trees to the appeal property is such that it cannot be assumed that their root systems would not be harmed by the proposed development. The trees are growing upon a slope, but as they would grow to self-optimize within their contexts, it does not follow that the roots would avoid the appeal site.

12. Although the appellant considers the trees would mostly screen the extensions in public views, no detailed assessment of the impact of the development upon the trees has been made. Whilst the appellant considers the proposal would not have a long-term impact upon the health or viability of the trees, no conclusive written expert evidence has been submitted to demonstrate this would be the case, nor have any tree protection measures been provided. Given the circumstances of this case and the uncertainty regarding the impact of the development upon the trees, it cannot be assumed that conditions to survey and protect them would ensure they survive the development.
13. For the reasons given above, it has not been demonstrated that the extensions could be undertaken without harming trees that make an important contribution to the character and appearance of the area. This would not comply with the objectives of the Framework or Policy S22 of the DDS. This policy requires applicants to provide full details of any impact to trees that would be affected by development, whilst the Framework seeks to retain existing trees that make an important contribution to the character and quality of urban environments.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

JJ Evans

INSPECTOR