



Appeal Decision

Site visit made on 8 November 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/C4615/W/22/3301641

14 Wolverhampton Road, Kingswinford DY6 7JB

- 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 Ardeshir Izadpanah against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/0062, dated 10 September 2021, was refused by notice dated 16 May 2022.
 - The development proposed is change of use from retail to hot food takeaway with new vertical extraction flue, internal alterations, and changes to rear elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken directly from the Council's Decision Notice. This more accurately reflects the development proposed than that set out in the planning application form. Accordingly, I have determined the appeal based on the Council's description of development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Wolverhampton Road is a well-used route, but this section is characterised by largely semi-detached and detached residential dwellings within spacious plots fronting the road. Brick and rendered chimneys are a feature of the roofscape. The chimneys vary in position, height and design but most have matching materials as well as being proportionate in scale and height to the host property. 14 Wolverhampton Road was once the left-hand side of a pair of semi-detached dwellings. The ground floor has since been converted to a convenience store, which is currently vacant. The building is finished in red brick, with a central two storey projection and a shallow hipped roof. It includes a central brick chimney stack, with a small section visible above the main ridge of the roof.
5. The proposed development includes a large extraction flue to accommodate the proposed hot food takeaway use. The proposed brick chimney stack would shroud an extraction flue. It would be located on the side elevation and extend above the main ridge of the roof.

6. As indicated, despite the variation in the siting, scale and design of the chimney stacks in the area, most appear proportionate to the host property. For instance, from what I saw on site, the wider chimney stacks were mostly positioned to the centre of the roof plane, but were concealed internally with a slight protrusion above the main roof. There were taller and more exposed stacks to the side of dwellings along the road, but these were mostly narrow and positioned on a dwelling with a high hipped roof.
7. In contrast, the scale and height of the proposed chimney stack would be considerable, resulting in a dominant addition that would be disproportionate to the two-storey domestic scale of the building, and the shallow height of the hipped roof. Consequently, the proposed development would appear as a bulky and incongruous addition, at odds with the character and appearance of the existing property. Furthermore, the proposal would also appear noticeably larger than any of the chimney stacks within the immediate context. Its position and scale would also make it visible from several public vantage points along Wolverhampton Road and Lambert Court, as well as the pathway that links them. This prominence, along with its scale, siting and design would exacerbate the adverse impact of the proposal on the host property and the wider street scene.
8. Accordingly, the proposed development would have an unacceptable impact on the character and appearance of the area. The proposal would be contrary to Policy ENV 3 of the Black Country Core Strategy 2011 and Policy L1 of the Dudley Borough Development Strategy 2017. These policies, amongst other things, seek to ensure proposed development is a high-quality design, which responds appropriately to the context and character of the area. The proposed development would also fail to accord with the design objectives set out in chapter 12 of the National Planning Policy Framework.
9. The Council cite Policy D9 of the Dudley Borough Development Strategy 2017 in their reason for refusal. Although this is a relevant policy to consider for a hot food takeaway proposal, the criteria only limits development that would have an adverse impact on highway safety, crime and disorder and the living conditions of the neighbouring residents. The proposed development would not be contrary to this policy and its objectives.

Other Matters

10. I appreciate that the Council has not raised any objection to the scheme in respect of neighbour's living conditions, parking and highway safety as well as crime and community safety. However, these are neutral matters and do not mitigate the harm I have identified to the character and appearance of the host property and area.

Conclusion

11. For the above reasons, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR