
Appeal Decision

Site visit made on 2 December 2022

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/C4615/D/22/3305254

4 Barnesmeadow Place, Coseley, Dudley WV14 9QJ

- 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 and Mrs Bhai against the decision of Dudley Metropolitan Borough Council.
 - The application Ref: P22/0384, dated 13 March 2022, was refused by notice dated 27 July 2022.
 - The development proposed is for single storey front extensions, a single storey rear extension and garage conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development upon (i) the character and appearance of the area and (ii) highway safety and the free flow of traffic arising from car parking provision.

Reasons

Character and appearance

3. The appeal property is a modern, two-storey, brick built, detached dwelling in a cul-de-sac of similarly aged properties with comparable, but not identical designs, mostly with front amenity spaces which include off-street parking and with rear gardens. Many of the dwellings, including the appeal property and the neighbouring dwelling, include double fronted gables incorporating double height bay windows over part of the front elevations, all of which project forwards towards the access road. The remainder of the front elevations include single storey porches and garages under pitched roofs. These design features add positively and distinctively to the character and appearance of the area.
4. The appeal property has an existing single storey rear extension over part of the rear elevation and part of the appeal proposal is to create a single storey extension along the whole of the elevation.

5. The appellant considers that the rear extension, by its size and position would be permitted development. However, this is an appeal made under section 78 of the Act and is not for a proposal seeking a certificate of lawful development. I have therefore determined the appeal on its planning merits. The local planning authority (LPA) considers, in any event, that the proposed rear extension, by its size and design, would not affect adversely the character and appearance of the area or the host property. I have no reason to disagree.
6. The existing garage in its current form is already in residential use, and I have no evidence before me which would prevent alternative forms of residential use. However, the appeal proposal is for development which includes the extension of the existing garage space.
7. The proposed single storey front elevation would introduce a forward projection from the existing elevation to the dwelling, and while it would be modest in its extent, it would nevertheless introduce a design element where its forward projection would visually compete with the existing character of both the appeal property and that of the area. While the proposed external materials would match those of the existing dwelling, this would not outweigh the harm which I have identified.
8. The appellant refers to other front elevations which have been permitted, but I have no such examples before me. I have, in any event, determined this planning application on the basis of the immediate context of the appeal site.
9. For the above reasons, I conclude that the proposed development, when considered as a whole, would not accord with the Black Country Core Strategy (2011) (CS) policies ENV2 and S6, policy L1 of the Dudley Borough Development Strategy 2017 (DDS), the Planning Guidance Note 17 (PGN) and the National Planning Policy Framework 2021 (the Framework), all of which stress the importance of good design which is reflective of local distinctiveness including the character of the original house..

Car parking

10. Both the existing and proposed submitted plans show the appeal property with three bedrooms plus a separate dressing room. The LPA notes that the originally approved plans for the dwelling show the dressing room as a separate bedroom, and therefore it considers that it could be used as such again. However, if it were to be used as a bedroom, this would only revert to what the LPA considers was the original intention for a 4-bedroom dwelling. I have no information before me to indicate that car parking requirements at that time were not met.
11. The appeal proposals do not introduce any additional bedrooms. The Council's Parking Standards Supplementary Planning Document 2017 (SPD) requires 2 parking spaces for a 3-bedroom dwelling. While the dwelling was originally approved for four bedrooms, this is not currently the case. The car parking standards require an assessment of what is proposed rather than how the house has been used previously.
12. For this reason, while the submitted plans show 3 parking spaces, and even though the LPA questions the adequacy of the size and accessibility of one of them, I do not see any justification for additional off-street parking to the two

which already exist. I am satisfied that an acceptable quantum of car parking spaces, and to the requisite space standards, could be provided on the site by planning condition and notwithstanding what is shown on the approved plans.

13. Therefore, I conclude that subject to the imposition of a planning condition, the provision of off-street parking would not be contrary to policy L1 of the DDS, or to the SPD or to the Framework. On this basis, there is no evidence before me which supports the view that the proposal would give rise to highway safety issues or that the development would interrupt the flow of traffic on the highway.

Other Matters

14. The appellant wishes to provide accommodation for his elderly mother who he states struggles to look after herself and whose health is a concern to him.
15. I have considered the Human Rights Act, Protocol 1, Article 8 with respect for a person's private and family life and house. I have also considered the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. However, while the personal circumstances of the appellant's mother are put forward as justification for the development, I have no medical or other evidence before me, nor do I have any evidence which demonstrates that her needs could not be suitably met within her own home, with or without adaption, by the existing housing stock in the area, or indeed why the proposed extensions are essential to provide for her needs. This reduces the weight that can be afforded to these personal circumstances in this case.
16. The appellant implies that there may have been discrimination, racism and unfairness as part of the planning application process. This is not a matter for me to consider as part of the determination of this appeal made under section 78 of the Act. These are matters that would need to be investigated and discussed separately with the Council and other agencies.
17. On balance, I find that my decision to dismiss the appeal is a necessary and proportionate approach to the legitimate aim of ensuring good design in the public interest. This outweighs the personal circumstances outlined above.

Conclusion

18. For the reasons outlined above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR