

Appeal Decision

Site visit made on 9 March 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th March 2023

Appeal Ref: APP/C4615/D/23/3314068

57 Kirkstone Way, Brierley Hill, DY5 3RZ

- 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 Sakib Ali against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/1248, dated 31 July 2022, was refused by notice dated 14 October 2022.
 - The development proposed is two storey side/front & single storey rear extension, elevational changes to front.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings.

Reasons

3. The appeal property is a modern, detached largely brick-built dwelling with a gabled front protrusion in half-timbered, mock-Tudor cladding. It stands in a modest cul-de-sac comprised of similarly sized dwellings. One of the dwelling's side elevations faces and runs parallel to Kirkstone Way, which is a busy distributor road. The appellant intends to make substantial alterations to the dwelling, front, side and rear. It appears that this is a resubmission following a previous refusal.
4. The Council's objection is based on what it considers to be the unacceptable design and extent of the proposals having regard to the property's prominent position, where three of its elevations are clearly seen from the adjacent Kirkstone Way.
5. The most significant changes would be perceived at the front, and these would be readily seen from Kirkstone Way and from most of the cul-de-sac when approaching the appeal site on foot, cycle or motorized vehicle. The two storey front elevation would be widened and brought forward with a gabled central protrusion. Two secondary gables would be installed either side of the imposing central gable. The predominantly bricked front elevation would be lost in its entirety to be replaced with a rendered finish.

6. The appellant's grounds of appeal is largely a repetition of the Design and Access Statement submitted with the original application. Whilst it contains some generalized statements about the acceptability of the proposals in this spatial context, it contains little analysis of the evolution of the design, or the reasoning for it, or its justification from an aesthetic standpoint. Whilst acknowledging that some local designs bear some similarities to what is proposed, it is insufficient to rely on comparisons with other local schemes which may have been permitted in the past.
7. I share the appellant's view that plot's area and dimensions, including the garage, which is to be demolished, enables sizeable extensions to be physically accommodated. In this respect I consider a development approaching the volumes of the additions proposed is not, in itself, objectionable. However, given the prominent position of the dwelling, open to wide public gaze, it is important that the design and external appearance presented should be appropriate for its context and not offend.
8. Of course, design is a subjective matter, but I find the appearance of the overall scheme, particularly that of the front elevation, to be unimaginative, bland and inappropriate in terms of form, proportions, rhythms of openings and use of materials. The dwelling's prominent position warrants a better thought-out and imaginative design solution than presented here. It is not within my remit to present possible solutions, but it should not be beyond the wit of a reasonably competent designer to devise a scheme more aesthetically pleasing than this, and more suited to its prominent location.
9. I therefore conclude that the proposal, taking special account of its prominent position alongside a busy thoroughfare, because of its unacceptable design would harm and therefore detract from the character and appearance of the host property and its surroundings. Accordingly, the proposal, if implemented, would conflict with those provisions of policy ENV3 of the Black Country Core Strategy and policy L1 of the Dudley Borough Development Strategy relating to the requirement for high quality design and that house extensions should be of an appropriate form, using appropriate materials and responsive to the context and character of the surrounding area.
10. I have noted the references to the *National Planning Policy Framework*. As I have already concluded, the scheme represents a clear example of poor design. The Government attaches considerable importance to design, and the Framework advises that '*development that is not well designed should be refused, especially where it fails to reflect local design policies*'. I propose to follow that guidance here.

Other matters

11. I note the references to other development plan policies, but those to which I have referred are considered the most relevant in this case.
12. No other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

