



Appeal Decision

Site visit made on 2 August 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Appeal Ref: APP/C4615/W/22/3311827

12 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 S Greenhill against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/2293, dated 21 December 2021, was refused by notice dated 14 June 2022.
 - The development proposed is described as Front & side extensions and internal alterations to re-position the existing retail shop to the front of the building, create a ground floor apartment and extend the existing first floor apartment.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading is from the application form. The Council and appellant agreed a revised description of 'two storey front and single storey side/rear extensions (to relocate existing retail shop and create 1 no. dwelling on ground floor and extend 1 no. existing dwelling on first floor). Elevational changes to include new windows. New car parking layout and erection of cycle store and bin store.' I have considered the appeal on this basis.

Main Issue

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

Reasons

4. In the vicinity of the appeal site the area is one primarily comprising one to three storeys detached, link-detached, semi-detached and limited terraced buildings. Notwithstanding some additions, the non-detached buildings have a good degree of proportionality and symmetry. This is particularly so above ground floor level, with many of the additions respecting the proportions and forms of the original buildings. The detached buildings are of a limited number of styles and age which include proportionately sized roof forms and window openings. Therefore, within the visual context of the appeal site through the limited number of building styles, forms and design attributes, there is a definable character and coherency to the character and appearance of the area.

5. The appeal site is one half of a two-storey semi-detached property. The semis do not include some of the finer detailing of others nearby. The appeal site includes a side projection, and the neighbouring semi includes a ground floor flat roof projection which reduces ground floor symmetry and is not particularly reflective of the host building. In spite of this, the semis retain a strong degree of symmetry at first floor and roof level. In this regard they are in general keeping with, and the appeal site building makes a neutral contribution to the character and appearance of the area.
6. While of a similar pitch and form to the existing front hipped gable, the new hipped gable extension would be markedly wider and project significantly further forward. The garage would project level with the new extension. While the proposal seeks to address the imbalance between the semis, it would result in a greater imbalance given its projection and scale. The shape and arrangement of the ground floor windows would neither reflect or respect, the host or neighbouring buildings fenestration, or those in the visual context of the appeal site.
7. The development would be viewed as a large and dominant extension to the existing building which is not reflective its scale, massing, proportions, and overall appearance. Therefore, it would be detrimental, rather than an enhancement. It would appear as a discordant addition, which would not respect or preserve, and would be significantly harmful to the character and appearance of the area. The harm would be highly apparent from Wolverhampton Road to the west and north of the appeal site. I am not satisfied that conditions could sufficiently mitigate the harm.
8. I could not see and am not referred to examples of similar such juxtapositions or arrangements of forms and features within the visual context of the appeal site. There are two other pairs of semis at 45-degrees to Wolverhampton Road close-by, which exhibit a good degree of symmetry. That they and the appeal site address the highway at this angle does not mean they should be viewed so differently such that the appeal should be allowed.
9. For the reasons set out above the proposed development would be significantly harmful to the character and appearance of the area. It conflicts with Policies ENV2, ENV3 and CSP4 of the Black Country Core Strategy (2011) (the BCCS) and Policies S6 and L1 of the Dudley Borough Development Plan (2017) (the DBDP). Amongst other things these expect development to be of an appropriate and high-quality design that protects, complements and promotes local distinctiveness, and for the design of buildings to reflect their context and where possible enhance local character.
10. The proposal would conflict with paragraphs 130 and 134 of the National Planning Policy Framework (2021) (the Framework). Amongst other things these expect development to be sympathetic to the local character of the built environment and maintain a strong sense of place, and development which is not well-designed should be refused. It would also conflict with the objective of the National Design Guide (2019) (the NDG) that development should be well-designed to enhance and integrate into its surroundings (paragraphs 38 – 40).
11. I disagree with the appellant's views as to the relevance of some of the above policies, and smaller proposals including this proposal contribute to place-making objectives. The references to local distinctiveness and local character in Policy ENV2 are expressed such that are not entirely dependent upon the

site being within a particularly historic area. The first sentences reference to high-quality design in ENV3 is also read in the context of the spatial objective above it and justification text below the policy, and not just specifically to criteria 1 – 6, so is not just relevant to larger proposals.

12. The requirement to demonstrate an understanding of local distinctiveness in CSP4 and reference to the design of buildings in the fifth criteria, is not just for larger proposals. The support to appropriately designed development and reference to ENV3 in S6 is also not only of relevance to larger proposals. As this proposal includes residential development Policy L1 is relevant, and the proposal conflicts with the policy as a whole. Certain aspects of the NDG guidance may be more applicable to large scale proposals. However, some advice in respect of context also applies to smaller proposals.

Other Matters

13. A development almost identical to the appeal proposal was approved in 2009¹, but has now lapsed, so it is not a fall-back position. That application was approved under previous iterations of the development plan and before the first version of the Framework and the NDG were published. Paragraph 126 of the Framework is clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NDG sets out characteristics of beautiful, enduring, and successful places. The changes to national policy and guidance since the previous development was approved place a strong emphasis on design quality.
14. I do not disagree with some of the appellant's observations and analysis of the previous officer report and Policy DD1 of the 2005 Unitary Development Plan. DD1 has similarities with extant policies. It is not clear from the Council's 2009 report, how it had assessed the previous proposal against policy requirement that development should make a positive contribution to the character and appearance of the area, as I can see no substantive analysis of this matter.
15. The Council found the proposals were modest by comparison to, and addressed reasons for refusal, for a previous scheme. However, it is not clear this is an assessment in respect of the character and appearance of the area. I regard the Council's previous assessment as deficient in respect of the aforementioned policy requirement of DD1. Overall, for the above reasons, I attribute the previous decision limited weight.
16. I note an objection from a neighbouring occupier in respect of the use of their land within the application site for providing the access arrangements as set out in the application. Based upon the appellant's submissions, the access arrangements from the highway are very similar to the existing. As I am dismissing this appeal for other substantive reasons, and it has not been put to me the access arrangements as proposed would result in an overall net benefit, I have not considered this matter in detail.

Planning Balance

17. The appeal site is in need of repair and modernisation, which this proposal would secure. It would make a more efficient use of land, and is of a type and location supported by paragraph 69 of the Framework. It would result in a

¹ Ref. P09/1112.

limited temporary economic benefit during construction. It is not demonstrated the existing commercial space is unviable. However, once occupied through the provision of improved commercial space, associated employment opportunities, and linked spend from customers and further occupiers of the dwellings in the local economy, there would be limited on-going economic benefits once complete.

18. I have not been provided with details of the Council's housing land supply position. However, even if it were to be regarded as particularly acute, a net increase of one dwelling would be a limited benefit to supply. The proposal would result in some benefits to functionality of the internal spaces, the renewal of the external appearance of the building, resurfacing and the provision of a hard and soft landscaping scheme. However, the proposed development is not necessary to achieve such improvements, and moreover given the magnitude of their benefits, they attract limited weight. Overall, the benefits of the development attract limited weight in favour of the scheme.
19. I see no substantive reason why the proposal could not adequately protect the foundations of neighbouring buildings. Were I to conclude the proposed development is or would be with the imposition of suitably worded planning conditions, be acceptable or compliant with policies such as those in respect of access and sustainability of location, flood risk, drainage, the living conditions of future and neighbouring occupiers, materials, parking, construction and environmental management, contamination, refuse and recycling storage, and electric vehicle charging points, these would be neutral matters in the balance.
20. The development would be harmful to the character and appearance of the area, in conflict with the development plan, Framework and NDG. The policy conflicts and the harm are such that this matter attracts significant weight against the scheme. Therefore, the harm from the proposed development significantly outweighs the previous consent, the policy compliance, and benefits of the development.

Conclusion

21. The proposed development conflicts with the development plan taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR