



Appeal Decision

Site visit made on 4 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/C4615/W/23/3320889

42 Dingle Close, Dudley DY2 8AG

- 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 Choudhry against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/1344, dated 09 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is demolition of existing dwelling and the erection of one, four bedroom detached dwelling and detached garage with associated vehicle access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the decision, the Council has published a Residential Design Guide Supplementary Planning Document (Design SPD), May 2023. The Council refer to the Design SPD in their statement, which the appellant has had an opportunity to comment on. As a result, I am satisfied that no party's interests have been prejudiced by the recent publication of the SPD.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i. the character and appearance of the area; and
 - ii. the living conditions of the occupiers of numbers 1, 2, 3, 4 and 5 Dingle Close and numbers 15, 17, 21, 23 and 25 Dingle Road, with particular regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal site comprises an existing modest detached 2-storey dwelling, which fronts but is set back from Dingle Close. It is set within a long, narrow plot, to the rear of other neighbouring properties on Dingle Close and those on Dingle Road. The topography of the area slopes upwards from the south, in a northerly direction. The appeal site follows this topography and slopes gently upwards from the front of the site to the rear.
5. The surrounding area is primarily characterised by semi-detached dwellings that follow the slope of the land and have a uniform appearance. The appeal property, as well as a detached dwelling opposite, which both have a similar

scale and appearance, are an exception to the otherwise uniform semi-detached pattern of development within the street scene. However, the symmetry provided by the detached dwellings also maintains uniformity within the street scene.

6. Contrary to this current uniformity, the proposed detached dwelling would occupy a central position within the plot and be set well back from the road, which would conflict with the layout of development locally. Notwithstanding that the ground levels for the site of the new house would be reduced, it would still be on ground higher than the road that the site fronts and its presence would also be emphasised and exacerbated by the scale of the property. It would sit uncomfortably with the more modest scale and uniform layout and appearance of the other properties in the area.
7. I acknowledge that features such as the projecting gables on the front elevation would attempt to reflect design features of neighbouring buildings. However, the scale of the projecting gables and the large front porch, would result in additional dominance and scale to the proposed development. Therefore, the new house would not integrate into the street scene. Instead, it would result in a dominant development, that would be significantly at odds with the prevailing pattern of development in the locality.
8. In addition, notwithstanding that the proposed double garage would be viewed in the context of the existing detached outbuildings at the end of neighbouring rear gardens, it would be a large building that would occupy a prominent position. Its position, forward of the main dwelling, would also result in an odd arrangement with the main dwelling. This would result in an inharmonious development within the street scene.
9. I appreciate that the scheme has evolved following a previous appeal decision (C4615/A/07/2038752/WF) that was dismissed following a refusal in 2006 for the erection of 2 four bed dwellings. However, that was for a materially different scheme, and I have not been provided with details of it. I therefore attach this background little weight, and, in any event, I must consider the individual merits of this proposal.
10. For the collective reasons outlined above, the proposed development would be harmful to the character and appearance of the area. Therefore, the proposal would fail to accord with Policy ENV2 of the Black Country Core Strategy (2011) (BCCS), and Policies L1, S1, S6 and S8 of the Dudley Borough Development Strategy (2017) (DS), which together, amongst other things, seek to ensure that development applies principles of good urban design which protects local distinctiveness and the character and appearance of the area.

Living conditions

11. It is proposed to lower the ground level of the proposed dwelling to reduce its impact. The proposed dwelling would also have a hipped roof that would slope away from each side boundary. The neighbouring properties also have long rear gardens and in combination, these factors would not result in a significantly increased overbearing effect on the outlooks from No 3, 4 and 5 Dingle Close and No 15 and 17 Dingle Road.
12. The habitable windows of the proposed dwelling would be on the front and rear elevations, at both ground floor and first floor. Therefore, due to the scale of

the proposed dwelling and its central position within the plot, the windows in the front elevation of the proposed dwelling would face towards the rear elevations and gardens of No 1, 2 and 3 Dingle Close and No 21, 23 and 25 Dingle Road. However, the juxtaposition between the proposed dwelling and those neighbouring properties would not result in the habitable windows on the front elevation of the proposed dwelling having a direct outlook towards those neighbouring windows. Additionally, the separation distances and relationship between the proposed and existing windows would also not result in a significant loss of privacy to neighbouring occupiers. Likewise, whilst the proposed first floor windows in the front elevation would face the rear gardens of neighbouring properties, the oblique angle of views from them, along with the separation distances, would not result in a significant loss of privacy to neighbouring gardens.

13. Consequently, I conclude on this main issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of numbers 1, 2, 3, 4 and 5 Dingle Close and numbers 15, 17, 21, 23 and 25 Dingle Road, in respect of privacy and outlook. The Council's reason for refusal on this issue refers to Policy ENV2 of the BCCS and Policies S1, S6 and S8 of the DS. Those policies though do not clearly relate to this main issue concerning living conditions and so are not directly relevant. However, the proposed development would accord with paragraph 130 of the National Planning Policy Framework which seeks to ensure that planning policies and decisions achieve a high standard of amenity for existing and future users.

Other Matters

14. I acknowledge that redeveloping the site would provide a forever home for the appellant and their family and it would offer other benefits such as a good standard of accommodation, amenity space, and parking facilities. I also acknowledge that there would be social and economic benefits to local services during the construction phases without conflict with neighbouring land uses. However, these benefits would not outweigh the identified harm to the character and appearance of the area.

Conclusion

15. For the reasons given above, I have found that the proposed development would conflict with policies contained within the development plan. Whilst it may not conflict with other policies, I consider that it would not accord with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR