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## Appeal Decision

Site visit made on 29 February 2024

**by G Ellis BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 March 2024**

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**Appeal Ref: APP/C4615/D/23/3335136**

**89 Corbyns Hall Lane, Brierley Hill DY5 4RG**

- 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 Baldeep Singh against the decision of the Dudley Metropolitan Borough Council.
  - The application Ref P23/0980, dated 24 July 2023, was refused by notice dated 24 October 2023.
  - The development proposed is a "rear side extension, and alterations to front garden area into a 75% grassed area and 25% paved area to remain".
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The extension has been erected and paving laid to the front, therefore is a part retrospective proposal.

### Main Issue

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

### Reasons

4. No.89 is located at the corner of Corbyns Hall Lane and High Street and is part of a new residential development. The property is positioned close to the back edge of the pavement to Corbyns Hall Lane with the properties beyond set back behind a row of parking spaces. The extension is situated alongside the parking and infills the 'L' shaped form of the building. While the extension is of a limited scale and height, due to the materials and its positioning, in front of the boundary fence to the garden, it is an incongruous and visually intrusive element.
5. Due to the corner position the extension is visible from both Corbyns Hall Lane and the High Street, including in views from the pedestrian crossing on the High Street. I did not see other structures of this form in the vicinity and while I acknowledge small extensions are often permitted development, they are subject to limitations, including the relationship with the highway and for the materials to have a similar appearance as the existing dwellinghouse.
6. The area in front of the property up to the High Street has been fully paved, but was previously, as built as part of the new development, soft landscaping.

The neighbouring properties along the High Street do have parking to the front with a mixture of hard and soft landscaping, however, these properties front onto the High Street. In contrast, the appeal property has its entrance and parking to Corbyns Hall Lane and the landscaping to the corner would provide a visual relief to the built form and would have some amenity value to this busy junction with a Budgens store opposite. The reinstatement of soft landscaping to a large proportion of this area would be an enhancement over the current situation, but there is no crossover from the appeal site to the High Street. Thereby I cannot agree with the appellant that its use for parking would improve accessibility, and there is no evidence to suggest that there are inadequacies in the parking provision with the Council indicating that the property has three parking spaces.

7. Overall, I find that the development does not harmonise with the host property and is harmful to the character of the area. The extension with clad sides and a corrugated roof is not of high-quality design, particularly having regard to its visual presence. As such, changing the materials, as suggested by the appellant, would not be sufficient for it to integrate and different materials may alter its form or size.
8. The development therefore conflicts with Policies S6, S7, S8 and L1 of the Dudley Borough Development Strategy, Policies ENV2 and ENV3 of the Black Country Core Strategy, and the Residential Design Guide SPD (2023). Together these support development of an appropriate form, siting and materials which respect the host property and the context and character of the surrounding area. It would also fail to accord with section 12 of the National Planning Policy Framework (the Framework) in terms of development being well-designed and sympathetic to local character.

### **Other Matters**

9. I appreciate that the development will provide benefits for the occupiers, there is however nothing to suggest that this is the only way they can be achieved, and these private benefits do not outweigh the conflict I have found with the Development Plan. The appellant indicates a willingness to make modifications to the design and any alternative scheme would be a matter for consideration by the Council.
10. The Black Country Core Strategy was adopted before the introduction of the Framework but this does not mean all of the policies are automatically out of date. The objectives of high-quality design and having regard to the character of the area are reflective of the Framework and policies of the Dudley Borough Development Strategy which I have also found conflict with.

### **Conclusion**

11. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

*G Ellis*

INSPECTOR