
Appeal Decision

Site visit made on 29 May 2024

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2024

Appeal Ref: APP/C4615/D/24/3340271

57 Kirkstone Way, Brierley Hill, Dudley 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 P23/1384, dated 25 October 2023, was refused by notice dated 28 December 2023.
 - The development proposed is described as two-storey front and side extensions.
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Decision

1. The appeal is allowed and planning permission is granted, for two-storey front and side extensions at 57 Kirkstone Way, Brierley Hill, Dudley DY5 3RZ, in accordance with the application, Ref P23/1384, subject to the following conditions:
 - 1) The development shall be commenced not later than three years from the date of this decision.
 - 2) The external surfaces of the development shall be constructed of materials to match those used on the existing building.
 - 3) The development shall be carried out in accordance with the approved plan, No 23020.03.

Reasons

2. On my visit, I saw that Kirkstone Way is the main spine road of a large residential estate, developed in the 1980s. No 57 is a detached, 2-storey house, set at right-angles to the road, with an existing gabled projection to one side of the front elevation, an attached garage to the other side, and a canopied lean-to roof running across much of the front.
3. The development now proposed would extend the property to the front and side, on both floors. To the side, the extension would align with the existing building, incorporating the existing garage, and replacing some other smaller structures. To the front, the development would take the form of a second forward-facing gabled projection, positioned centrally within the extended front elevation; plus a half-dormer and a new gabled porch.
4. In general terms, it seems to me that the design of these proposed extensions would largely reflect that of the existing dwelling. The side extension would continue the lines of the existing front and rear elevations, and those of the

existing main and lean-to roofs. The new front projection would mirror the width and height of the existing gable, and the shape and pitch of its roof, albeit with a modest increase in depth. The new half-dormer and porch roof would again match the style and proportions of the two gables, although on a smaller scale. Throughout, the size and positioning of the windows, and the choice of materials, would follow those of the existing building. In the case of the gables, the current 'mock-Tudor' timber feature would be removed from the existing gable, to achieve a match with the plain rendered finish proposed for the new one. In all these respects, the design now proposed would appear to accord with the advice in the Council's Residential Design Guide¹.

5. I note the Council's view that the proposed development would appear over-dominant in relation to the existing building. However, the new gable would take up only a minor proportion of the front elevation, and its height would be significantly lower than that of the main roof; and although its depth would be greater than that of the existing gable, the overall forward projection would still be quite modest. Furthermore, whilst the new side extension would add a significant amount of new volume, nevertheless it would increase the dwelling's overall width at first floor level by less than half, compared to the existing. At ground floor level, the increase in width and footprint would be barely noticeable. Overall therefore, the proposed additions would remain subordinate to the existing dwelling, and thus would complement its established character, and that of the surrounding area.
6. I also appreciate the Council's view that the scheme would result in the building becoming unduly conspicuous in the street scene. In this regard I accept that the appeal property is somewhat more prominent than many others, due to its sideways orientation and proximity to the road frontage in Kirkstone Way. However, this is a characteristic shared with a considerable number of other corner properties on the estate; and in the vicinity of the appeal site, I noted similar examples at Kirkstone Way's junctions with Freshwater Drive, Troutbeck Drive and Patterdale Way, amongst others. Although the actual distances from the highway may differ to a degree in some of these cases, there is clearly a recognisable pattern of corner properties presenting a wholly or partly 2-story flank elevation close to the main street corridor. To my mind this is unexceptional, and serves to reinforce the estate's particular character. In the circumstances, I can see no basis on which the effect of the present proposal on the street scene in Kirkstone Way could be considered to be harmful.
7. I am aware that a previous proposal for side, front and rear extensions was dismissed on appeal, on design grounds. However, that scheme was clearly different from the present appeal proposal, as it included, amongst other things, a significantly wider and taller central gable, resulting in a very poorly composed front elevation. I am satisfied that the proposal before me now has satisfactorily addressed the inspector's criticisms on these matters.
8. Having regard to the above matters, I conclude that the appeal proposal would be acceptable in design terms, avoiding harm to the character or appearance of the locality. It follows that the scheme would comply with the relevant provisions of Policies L1 and S6 of the Dudley Borough Development Strategy², which seek amongst other things to ensure that developments are responsive

¹ Adopted as a Supplementary Planning Document in May 2023

² Adopted in March 2017

to their local context and character, and that extensions are appropriate in terms of their form, scale and mass.

9. I note that the Council's refusal reason refers also to Policy ENV2 of the Black Country Core Strategy³. However, that policy appears to me to be directed primarily at protecting areas of special character or historic interest. In the present case, the appeal site is not within such an area, and thus the policy in question does not appear to be applicable. But in any event, no conflict has been identified, and this does not alter my overall conclusion as set out above.
10. It follows that the appeal should be allowed. In granting permission, I have imposed conditions relating to the use of matching materials, and requiring adherence to the approved plan. These are necessary to ensure a satisfactory appearance and in the interests of certainty.

J Felgate

INSPECTOR

³ Adopted in February 2011