



Appeal Decision

Site visit made on 23 October 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/C4615/W/24/3344583

Brotherhood Hall, Scott's Road, Stourbridge, Dudley DY8 1UR

- 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 Perks against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/1395, dated 23 September 2022, was refused by notice dated 28 March 2024.
 - The development proposed is the erection of 2 new dwellings following demolition of dilapidated building.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2 new dwellings following the demolition of dilapidated building at Brotherhood Hall, Scott's Road, Stourbridge, Dudley DY8 1UR in accordance with the terms of the application, Ref P22/1395, dated 23 September 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including having special regard to the significance of the Stourbridge Quaker Meeting House, a Grade II* listed building, and;
 - Whether appropriate provision is made for car parking.

Reasons

Character and appearance, including effect on listed building

3. Scott's Road is predominantly residential in character, but there are other uses as well as some variety in the built form. In the section nearest the appeal site, there is a palpable difference between the opposing sides of the road. The northern side is comprised mostly of two storey, interwar semi-detached houses with hipped roofs. They form part of a larger enclave of such houses to the north. The deliberate layout, regular plot size, clear building lines and repeating forms give a sense of order and homogeneity.
4. However, the southern side of the road is more visually disjointed. In addition to the appeal site, there is a nursery building, a playing field, modern housing configured in a courtyard arrangement, a sizeable three storey 1950's flat roofed apartment building and the Grade II* listed Stourbridge Quaker Meeting

House (the listed building). Moreover, the eastern end of the road terminates with bollards beyond which there is a major thoroughfare and its associated traffic movement and noise. Consequently, although broadly residential in character, the area has a somewhat mixed appearance, with both suburban and urban traits discernible.

5. The listed building lies to the east of the appeal site and is aligned on an east/west axis. Dating from 1689, the principal building has a simple linear form comprising a modest rectangular plan with a pitched roof and is constructed in brick and tile. Although I did not see the interior of the building, the official list entry refers to an excellent collection of fixtures and fittings.
6. The significance of the listed building is derived in part from its simple, restrained architecture which reflects the principles and values of the Quaker movement it served. Its modest height, simplicity and domestic scale marked a departure from the architectural scale and dominance of traditional church buildings. Further heritage value comes from its historic and communal interest given that it was one of the first such meeting houses built following the passage of the Act of Toleration. Hence, it provides tangible evidence and insight into the evolution of the non-conformist Quaker movement.
7. To the west of the listed building is a walled verdant enclosure through which pedestrian access is gained to the listed building. It was possibly a former burial ground, but in any event, the information before me suggests it is an area that has a longstanding physical connection with the listed building and its use as a meeting hall. As such, it is an important part of the setting of the listed building, providing a contained and calm space that gives a greater appreciation as to the likely religious practices and faith of former occupants.
8. The wider context is likely to have changed considerably since the listed building was established. There is nothing before me to suggest that nearby sites, including the appeal site, had a close or historical connection with the listed building and most of the built form dates from much later periods. Consequently, other nearby buildings make no meaningful contribution towards its significance and special interest, whereas the proximity of busy road infrastructure and traffic detracts from its quiet, contemplative qualities.
9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess.
10. The appeal site is a broadly square parcel of land on the southern side of Scott's Road. It is largely covered in built form, but the use and form of the buildings are hard to discern from the road owing to a combination of their poor physical condition and the presence of a high, mostly blank edifice presenting directly onto the pavement. It is understood that the site was used by the Brotherhood organisation as a school and meeting place, but more recently functioned as storage space prior to becoming vacant.
11. There is some divergence between the parties as to whether the structure is a heritage asset of any worth. There is an entry on the Historic Environment Record¹ noting its use as a school but it has not been included on the Dudley

¹ Appendix 1, Appellant's Statement of Case

Local List compiled in September 2021. This list seeks to identify heritage assets that have significant local historical importance such that they are worthy of protection and conservation. Moreover, Map 2 of the Stourbridge Area Action Plan, October 2013 (SAAP) provides a historic building appraisal that identifies the appeal site buildings as making a neutral contribution to the quality of the historic built environment. The Council do not object to the demolition of the existing buildings, and based on the evidence presented, I have little reason to disagree.

12. My observations were that the existing structures possess little architectural merit which is consistent with the SAAP appraisal. However, the visual impact of the buildings has been detrimentally affected by the frontage treatment and their present parlous state. For these reasons, the neutral effect has become a negative one, which harmfully impacts on the street scene and views from the grounds of the listed building.
13. The proposal seeks to remove the existing buildings and erect a pair of semi-detached houses that would provide accommodation over three floors including the roof space. In comparison to the interwar semi-detached houses on the opposite side of the road, they would be noticeably higher, with a deeper footprint and would have a steeper pitched roof with dormer windows. Nevertheless, they would not read as part of that series of semi-detached houses, so it does not follow that these differences would necessarily be problematic.
14. Rather, the pair would sit between the higher flat roofed 1950's three storey apartment block and the lower but relatively steeply pitched roofed listed building. The dwellings would be of an obvious domestic scale and use, and would have a frontage addressing the road, consistent with the prevailing character. The more varied context of built form evident on the southern side of the road gives it greater capacity to assimilate some differences in the roof-scape. Even so, the proposed pitch of the roof is not that far removed from those seen in Scholars Walk to the west.
15. In addition, the dwellings would be centrally positioned within the appeal site, leaving notable intervening gaps with the flanking buildings. The space would assist in visually distinguishing the apartment block, proposed houses and listed building as separate entities. In comparison to the existing buildings, the increased separation distance to the listed building and its grounds would give them more room to breathe. This would be likely to make the approach to the listed building, and outlook from the grounds, feel less crowded and more pleasant, which would assist in appreciating their significance.
16. Taking these factors together, I find the development would make a small improvement to the character and appearance of the area and wider setting of the listed building. Hence, it would preserve the special qualities of the listed building and its setting in line with the expectations of the Act. It follows that the development would avoid causing harm to the significance of the listed building which aligns with the national policy approach to conserve and enhance the historic environment. On that basis, the heritage balances relating to designated heritage assets contained in the National Planning Policy Framework (the Framework) are not engaged.
17. Consequently, I find no conflict with policy ENV2 of the Black Country Core Strategy, February 2011 (CS), policies S8, S10 and L1 of the Dudley Borough

Development Strategy, March 2017 (DBDS) and policy 21 of the SAAP. Amongst other things, these policies seek development that takes account of local character and distinctiveness, and protects the special qualities of the historic environment, which includes the setting of listed buildings.

18. The Council also cite policy S9 of the DBDS in refusal reason 1 on their decision notice. This policy seeks to safeguard and enhance the character and appearance of conservation areas. However, the appeal site is not within or adjacent to a conservation area. Hence, I find no conflict with this policy.

Car parking

19. Amongst other requirements, policy S17 of the DBDS states that development proposals should have full regard to the Council's Parking Standards Supplementary Planning Document (SPD). The SPD was adopted in September 2017 and sets minimum residential parking standards for new houses depending on the number of bedrooms. For 2-3 bed houses 2 dedicated car parking spaces are required.
20. There is no dispute that the proposed development would provide 2 dedicated car parking spaces for each dwelling. The floor plans for the dwellings show each one having one bedroom on the first floor and two bedrooms on the second floor. Hence, they would comply with the minimum requirement for 3 bed houses in the SPD.
21. The Council contends that the dwellings are tantamount to 4 or 5 bed houses because the floor plans have a study, a family room and a living room. They assert that these rooms could function as additional bedrooms. On that analysis, the minimum requirement in the SPD would be for 3 dedicated spaces per dwelling.
22. Whilst it is possible that rooms designed for other purposes might be used as bedrooms, this is true of many dwellings. Moreover, rooms including bedrooms could be sub-divided to provide more. This would have been known to the Council when preparing the SPD. However, the SPD does not give any guidance on the interpretation of floor plans in this respect. It does not explicitly support the use of 'worst-case scenario' predictions for calculating potential capacity when applying the standard.
23. Furthermore, there is little evidence to show that the Council has established a convention by consistently applying this interpretation of the minimum standards to other housing development. Instead, the appellant has supplied a list of recent planning decisions² concerning dwellings where they assert the number of bedrooms shown on the plans was accepted, and I have not seen evidence that undermines that analysis.
24. It is understandable that the Council may wish to avoid deliberate circumvention of the parking standards. However, in this case a plausible explanation for the size and position of the study, family dining room and living room has been provided and the layout is not an unusual one. Hence, there is little basis to deviate from a straightforward approach to the reading of the floor plans and application of the SPD parking standard.

² Paragraph 36, Appellant's Statement of Case

25. Accordingly, the plans submitted are for 3 bedroom dwellings, with 2 dedicated car parking spaces provided for each unit. This would fulfil the minimum requirement set by the SPD. Therefore, I find that the development would make appropriate provision for car parking which aligns with the expectations of policy TRAN2 of the CS and policy S17 of the DBDS.

Conditions

26. The Council have suggested nine conditions which I have assessed against the tests in paragraph 56 of the Framework, and advice in Planning Practice Guidance that encourages keeping the number of conditions to a minimum, and the careful use of pre-commencement conditions. A time commencement condition and the identification of approved plans are necessary in the interests of certainty.
27. In the interests of design quality, a condition is imposed to agree the specific external materials to be used. For similar reasons, a landscaping scheme would assist in assimilating and softening the effect of the new development into its surroundings. However, given the relatively minor scale of the development, there is no need to have separate conditions for hard surfacing and soft landscaping and I have adjusted the suggested wording to make the requirements proportionate.
28. As mentioned above, the appeal site is close to busy road infrastructure. Hence, it is necessary to ensure sufficient noise protection measures are incorporated to protect future occupants from the harmful effects of traffic noise.
29. The development plan supported by associated supplementary planning guidance, contains policies that promote measures to safeguard the air quality of the Borough, which is an Air Quality Management Area. On that basis a condition is imposed to ensure that any gas boilers installed meet a suitable standard with respect to nitrogen oxides emissions.
30. Although not suggested by the Council, following my consideration of the second main issue, it is necessary for two car parking spaces per dwelling to be provided prior to the occupation of the dwellings to meet the minimum standard.
31. A land contamination condition was suggested in the event that contamination is found on the site during development. However, in the absence of evidence to suggest that there is a heightened risk at the appeal site, I am not persuaded such a condition is necessary. Paragraph 190 of the Framework confirms that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.
32. The Council also suggested a condition to restrict permitted development rights that are normally afforded to householders. Paragraph 54 of the Framework stipulates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The reasons put forward are generic relating to the character of the area and amenity. The reasoning lacks precision such that it falls short of the clear justification necessary. As such, I have not imposed such a condition.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Level Plan, drawing no. 2167-2a; Proposed Floor Plans, Elevations & Site Plan, drawing no. 2167-1a; Proposed Street Scene, drawing no. 2167-5.
- 3) No above ground development shall commence until details of the materials to be used in the external surfaces of the dwellings have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 4) No above ground development shall commence until details of the materials to be used in the hard surfacing of the development and a soft landscaping scheme have been submitted to and approved by the local planning authority in writing. A timetable for the implementation of the hard and soft landscaping shall be included. The development shall be carried out in accordance with the approved details.
- 5) No above ground development shall commence until a scheme for mitigating the effects of traffic noise on the dwellings and their gardens has been submitted to and approved by the local planning authority in writing. The approved noise protection measures shall be carried out prior to first occupation of the dwellings and thereafter retained.
- 6) Any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no.2167-2a for 2 cars to be parked for each dwelling. Thereafter, that space shall be kept available at all times for the parking of vehicles.