



Appeal Decision

Site visit made on 2 October 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/C4615/D/23/3332333

11 Peartree Drive, Dudley, Pedmore DY8 2LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Luke Shipley against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P23/0892.
 - The development proposed is erection of single storey side extension.
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Decision

- 1) The appeal is allowed and planning permission is granted for erection of single storey side extension at 11 Peartree Drive, Dudley Pedmore DY8 2LB, in accordance with the terms of the application Ref P23/0892, and subject to the following conditions:

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved drawings and plans: Existing Ground Floor, Location Plan and Block Plan – Drawing No. 2050.01, Rev A, June 2021, and Appendix 4 – Proposed alternative drawings - Drawing No. 2050.02, Rev B, 27-9-23.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

1. The appellant's appeal submissions include an alternative proposal (Appendix 4 – Proposed alternative drawings - Drawing No. 2050.02, Rev B, 27-9-23). This proposes a reduction in the width and depth of the side extension from that shown on the plans originally submitted with the application. Because the alternative proposal does not significantly alter the nature of the development originally proposed, I have accepted this and determined the appeal on this basis and do not consider that the interests of any party have been prejudiced by my having done so.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal relates to a detached dwelling in a row of three properties along part of Peartree Drive. In particular, the appeal property occupies a corner plot at the junction with Melrose Avenue and therefore also forms part of the street scene along this road. The wider area is mainly characterised by modern, detached dwellings in a range of designs and siting arrangements.
4. The rear garden of the appeal property is enclosed by a boundary wall. This and its flank elevation face Melrose Avenue but are set behind an appreciable buffer of mature landscaping.
5. To the rear of the appeal site are detached dwellings along Melrose Avenue, these are arranged with their principal elevations facing this road. There is a further dwelling on the corner of Melrose Avenue, which like the appeal property incorporates a flank elevation that faces Melrose Avenue and is also set behind a landscaped buffer. These corner properties are located slightly forward of the principal elevations of the intervening dwellings along Melrose Avenue. Also, the street scene along this part of Melrose Avenue does not incorporate a definitive building line.
6. The proposed extension would be located to the side of the appeal property on an area which appears underutilised at present. Although this area is free of development because it is largely enclosed by landscaping, its contribution to the openness of this part of the appeal site and area is limited.
7. As already stated, the proposed extension would be recessed from the principal elevation of the appeal property. Also, with a modest width of about 3.5m, this would be proportionate to this elevation. Furthermore, the fenestration and materials for the proposed extension would match the appeal property. As such, in views from Peartree Drive, the proposal would clearly appear as a subordinate addition.
8. I acknowledge that the proposal would bring part of the built form of the appeal property closer to Melrose Avenue. Even so, the proposed extension would broadly align with the side boundary wall and its roof would slope back from the road. These design interventions would minimise its massing and impact. Moreover, a gap of just under 3m would be retained between the side of the proposed extension and the back of the pavement along Melrose Avenue. This arrangement would provide sufficient space around the extension and allow the existing landscaping to be retained.
9. Therefore, because of its considered siting, design and modest scale, the proposed extension would assimilate with the appeal property. Also, against the backdrop of the existing two storey gable and its positioning next to the boundary wall and behind the existing landscaping, the proposed extension would not be unduly prominent.
10. For the above reasons, I am satisfied that the scheme before me addresses the concerns raised by the Council and that the proposal would not harm the character and appearance of the area. Accordingly, I find no conflict with policies ENV2 and ENV3 of the Black Country Core Strategy (2011) and policies L1 and S6 of Dudley Borough Development Strategy (2017). Together, these policies seek to support developments of high-quality design which respond to local distinctiveness and character.

Other Matters

11. Based on my observations and the information before me, the proposed extension would not unacceptably affect any visibility splays to the detriment of highway safety.

Conditions

12. In considering the suggested conditions, I have had regard to the National Planning Policy Framework and the Planning Practice Guidance. I have imposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant drawings as this provides certainty. To ensure that the proposal safeguards the character and appearance of the host property and area, a condition requiring that the materials for this match the existing property is also necessary.

Conclusion

13. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR