



## Appeal Decision

Site visit made on 6 December 2024

**by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

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

**Decision date: 18 December 2024**

**Appeal Ref: APP/C4615/D/24/3353840**

**29 Clarence Road, Dudley, DY2 8EJ**

- 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 Ms F Azara against the decision of Dudley Metropolitan Borough Council.
- The application reference is P24/0819.
- The development proposed is two storey side/rear extension.

### Decision

1. The appeal is allowed, and planning permission is granted for a two storey side/rear extension at 29 Clarence Road, Dudley, DY2 8EJ in accordance with application ref: P24/0819 and the plans submitted with it subject to the following conditions:
  - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (unique plan reference: #00914107-1F3709), site layout plan scale 1:1250 @ A4 (unreferenced) and proposed drawing CA-508-02 Rev A;
  - 3) The materials utilised within the development hereby permitted shall match those utilised within the existing dwelling. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority.

### Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. The National Planning Policy Framework was revised on 12 December 2024; however, the key changes are not considered to impact upon the determination of this appeal in relation to the main issues noted below.

### Main Issue

4. The main issue is the impact of the proposal upon the street scene and character and appearance of the area.

### Reasons

5. The appeal site is an end of terrace property which occupies a corner position at the junction with St George's Road. The property has a front driveway, rear

garden and vehicular access points from both Clarence Road and St George's Road. Compared to many properties within the vicinity of the appeal site it benefits from a generous side garden enclosed by dwarf wall and boundary hedge and there is an area of open amenity space to the south on the opposite corner of St George's Road. There is a feeling of openness around the junction.

6. At the time of my site visit I found that the appeal site can be fairly described as occupying a prominent position, not necessarily solely because of its location within a corner plot, but due change in site levels (falling towards the south), the fact the property sits higher than St George's Road and due to the set back of the terraced row to the rear there are clear views of the front, side and rear elevations of the host dwelling from both Clarence Road and St George's Road. I find that these available views are not just within the immediate area surrounding the appeal site itself, but in wider ranging and more general views further down Clarence Road and St George's Road, respectively.
7. The openness of the corner, within the appeal site, undoubtedly adds amenity value to the area and is characteristic of the pattern of development in the vicinity of the site in relation to space around road junctions. As a result of the proposals I find that a significant amount of space would still be retained from the highway boundary and, whilst the proposal would stand forward of the building line created immediately to the rear by the row of terraced dwelling off St George's Road, I note that the built form further around the bend (past Hallfield Court) is also then forward of the terraced row in question. As a result of this, and as demonstrated within the appellant's statement of case, the building line, to an extent, follows the curve of St George's Road.
8. The extension would breach the building line in terms of the immediate relationship with 1 St George's Close to the rear, however, in the context of the surrounding development, building lines and general level of open space retained around the junctions I do not find that the proposal would detract significantly from the existing pattern of development in the area nor would it introduce a prominent and incongruous feature to the detriment of the street scene and character and appearance of the area.
9. The Council confirm that when viewed from front, the width of the development when compared to that of the existing house would be deemed to be acceptable. I have no reason to conclude differently on this point and I find that the proposal would retain a sufficient level of openness around the corner. Whilst there would be a rear facing gable, which would project (but not significantly) beyond the original two storey wall of the host property, I find that this would offer visual contrast to the host property adding architectural interest compared to the relatively uniform, and straight, terraced rows within the vicinity which would contribute positively to the character and appearance of the area.
10. The Dudley Council's Residential Design Guide 2023 acknowledges that corner plots have visual prominence and therefore play a key role in defining the character of the area. The Design Guide goes on to outline that the original size of the gap between the side elevation in particular and the highway more than often reflects the overall design and density of the setting of the residence. In this case, I do not find that the proposal would result in the loss of such areas, in accordance with the guidance, in a manner that would have a significant, detrimental impact of the character and appearance of the area. I

do not find that the proposal would result in an overly wide extension to the side of the property which would result in insufficient space being retained between the development and the site boundaries. The proposal would not appear unduly large for its plot (which appears notably larger than other plots within its vicinity), and, for the reasons I have outlined above, within the wider site context (acknowledging the site levels and general prominence of the appeal site) I do not find that the extension would appear overly dominant or harm the sense of openness that the corner/side plot provides in a manner that would be sufficient to warrant refusal.

11. The proposal would be consistent with Black Country Core Strategy 2011 Policy ENV2 which requires development proposals to preserve and, where appropriate, enhance local character. The proposal would also be consistent with Dudley Borough Development Strategy 2017 (DS) Policy S6 which seeks to support appropriately designed, sustainable development which is responsive to the character and/or visual amenities of the local area and DS Policy L1 which requires development to be of an appropriate form, siting, scale and mass, with the use of appropriate materials, which respect and are responsive to the context and character of the surrounding area.

### **Conditions**

12. The Council have, within their questionnaire, suggested 4 conditions which I have considered and applied as appropriate. Of the four conditions, the additional condition suggested is effectively replication of the plan condition which would be applied, as standard, as per the box which has been ticked as yes within 11.c. of the Council's questionnaire. A time condition is attached to comply with Section 51 of The Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish in accordance with the details submitted – to match the host dwelling.

### **Conclusion**

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

*Eleni Marshall*

INSPECTOR