



Appeal Decision

Site visit made on 28 January 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/C4615/W/24/3352068

The New Inn, 2 Cherry Street, Dudley, Norton DY8 3YQ

- 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 C Dedicote against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0779.
 - The development proposed is retrospective application for raised decking area and proposed screening.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence states that the development is retrospective. I saw during my site visit that the raised decking area had been erected and appears to conform with the plans before me. However, the proposed screening was not in place. I have therefore considered the appeal on this basis.

Main Issues:

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and,
 - its effect on highway safety.

Reasons

Character and appearance

4. The appeal site is located within the Stourbridge Old Quarter Area of High Historic Townscape Value (AHHTV). This area is characterised by traditional red brick properties and partly rendered part brick properties. These buildings feature traditional window styles and fenestration detailing, and low highway facing boundary features. For the most part, these features are constructed of red brick, with some examples including iron railings or hedging above the low wall. There is a strong use of traditional materials. These elements collectively contribute to the significance of this area.
5. The development would be located to the front boundary of the New Inn which faces Glebe Lane. This has replaced an area of mulch where picnic benches were previously located. The New Inn has a similar appearance to the other buildings within the vicinity. It is constructed largely from red brick with small elements of

render and features traditional window styles and detailing. The boundary feature which faces Cherry Street is that of a low wall with railings above, which then rises with a hedge as the boundary moves towards Glebe Lane. Therefore, the New Inn as a building specifically, contributes positively to the character and appearance of the AHHTV.

6. The development includes a raised decking area, with close board fencing used as an enclosure of the space. Artificial planting would be placed along the areas of the development which face onto the highway. Owing to its use of modern materials and design, the development creates an unusual and unsympathetic addition. This is further emphasised by its scale and massing along the front boundary, where its height is much greater than the other boundary features in the vicinity. Whilst artificial planting is proposed, this would not overcome the overall height of the platform and its modern appearance which would still be visible on some sides when viewed from the car park. Collectively, the height of the development, along with its use of materials creates an incongruous addition which fails to respond appropriately to the street scene.
7. The appellant notes that without the decking, the area of the development under consideration will remain as an uncontrolled area available to patrons. As such, it is the appellants contention that a gate could be used to control and limit the decking area. This would not overcome the harm I have found to the character and appearance of the area.
8. To conclude, the development would be in conflict with the National Planning Policy Framework (the Framework), Policies S6, S8 and S12 of the Dudley Borough Development Strategy 2017 (DDS) and Policies ENV2 and ENV3 of the Black Country Core Strategy 2011 (CS). The Framework notes in Paragraph 135 (c) that development should be sympathetic to local character and history, including the surrounding built environment. In addition, the cited policies require development to respond to the character and appearance of the locality, including the use of appropriate materials. In particular, Policy S12 of the DDS states that development will not be permitted if it fails to respond adequately to the character of the AHHTV.

Highway safety

9. Located next to this development is an entrance point into a small car park which serves the New Inn. Vehicles enter and exit the car park from Glebe Lane. Glebe Lane is a through road with access to numerous properties and adjacent streets. Witton Street is located directly opposite to the entrance point into the New Inn car park. Cherry Street is located on the other side of the development structure. As such, within close proximity, there are several entrance points into Glebe Lane which serves a large number of users.
10. The development is located next to the public footpath which runs along Glebe Lane. This footpath offers a buffer where development is not present. Therefore, as noted during my site visit, when egressing from the host car park and Cherry Street, drivers are able to view along both directions of Glebe Lane before turning onto it. Due to its position on the raised decking area, the provision of the proposed screening would also not cause harm to highway safety due to the reasons given above.

11. To conclude, the development would not conflict with Policy S17 of the DDS and Policy TRAN2 of the CS. These policies require development to make adequate and safe access and egress by vehicle users and other road users. The Council have suggested that the development would be contrary to the guidance found within the Parking Standards Supplementary Planning Document 2017 (SPD). However, upon my analysis of this SPD, this document relates to guidance on parking standards and parking levels for development. As such, this SPD is not relevant to this issue.

Conclusion

12. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR