



Appeal Decision

Site visit made on 20 February 2025 by M Long BA (Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2025

Appeal Ref: APP/C4615/W/24/3354727

55 Steppingstone Street, Dudley DY1 1SB

- 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 Gurbinder Sadhra (Sahra Properties Ltd) against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0306.
 - The development proposed is described as 'Retention of existing basement flat'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. For the purposes of the address in the appeal decision banner heading, I have used the postcode given on the Council's decision notice which is more accurate than the postcode on the planning application form.
4. The evidence before me, including the description on the application form, indicates that the development has already been undertaken. Therefore, the appeal has assessed on the basis that planning permission is sought retrospectively.

Main Issue

5. The main issue is whether the development provides suitable living conditions for occupiers with particular regard to outlook, daylight and ventilation.

Reasons for the Recommendation

6. The appeal site relates to a former public house that has since been converted into residential flats. It has a basement with very small openings positioned just above the ground at street level. On my site visit, I observed that each of the three openings facing onto Greystone Street have grills and a wire mesh to cover them that is affixed to the surrounding brickwork. The 'proposed' basement plan drawings indicate that each of these openings serves a room in the basement flat. The 'proposed' drawings also indicate that a very small opening facing into the rear amenity space of the appeal building serves 'Bedroom 2'.
7. Given their very small size and limited number, the openings to the proposed basement flat offer a poor quality of outlook for occupiers, particularly in terms of

the main habitable rooms within the flat. This is likely exacerbated by their high-level position within the rooms they serve, and the grills and mesh coverings which further obscure views to the outside.

8. Additionally, there is no detailed information to demonstrate that the openings allow sufficient levels of daylight into the flat having regard to their limited number, small scale and the size of the rooms that they serve. Taking into account their position close to the ground outside, the openings are also unlikely to facilitate any meaningful level of sunlight reaching the rooms inside. These deficiencies in light further indicate that high-quality living conditions are not provided for occupiers of the flat.
9. For similar reasons, the limited size of these openings, which serve a room each, are unlikely to provide adequate ventilation for occupiers. I have not been provided with any detailed evidence to suggest otherwise.
10. The appellant has mentioned alternative light and ventilation systems that could potentially provide additional natural light and airflow. However, no specification relating to these systems or how they would be utilised in the appeal flat is before me. As such, these potential alternatives do not overcome my concerns and, in any case, would not address the deficiencies in outlook.
11. Even if the flat satisfies design guidance pertaining to character and appearance set out in Dudley Council's Residential Design Guide: Supplementary Planning Document 2023 (SPD), this is not pertinent to the consideration of the living conditions of future occupiers. Nevertheless, there is overall conflict with the aims set out in the SPD's introduction to create healthy, attractive environments where people want to live, and where good housing design is fundamental.
12. I conclude that the development does not provide suitable living conditions for occupiers with particular regard to outlook, daylight and ventilation. It is therefore contrary to Policy L1 (Housing development, extensions and alterations to existing dwellings) of the Dudley Borough Development Strategy (2017) which seeks to ensure an appropriate level of amenity shall be provided for future occupiers. For the same reasons, the development does not meet the high standard of amenity requirements set out in the National Planning Policy Framework.

Other Matters

13. The site lies in the Dudley Town Centre Conservation Area (the CA), where special attention must be paid to the desirability of preserving or enhancing its character or appearance. The Council has not raised concerns regarding the effect of the basement flat on the CA and, from the evidence before me, I have no reason to find otherwise. This is because it has not resulted in any significant changes to the external elevations of the appeal building and so it preserves the character and appearance of the CA. Nevertheless, this does not override the clear harm I have identified under the main issue in respect of living conditions.
14. I acknowledge that the appellant has undertaken works to the wider appeal building which may have benefits for its upkeep and maintenance. Also, utilising the existing basement space may have a smaller carbon footprint compared to the construction of a new building. However, in the context of a single residential unit, these benefits are modest and would not justify allowing a development with unsatisfactory living conditions.

15. It has been suggested that the scheme would contribute to the growing demand for affordable housing in town centre locations. However, I have no detailed evidence relating to a local or urgent need for such accommodation, or to the affordability of the proposed flat. Even if the proposal does provide affordable accommodation, this would not justify internal living space which does not provide high quality living conditions.

Conclusion and Recommendation

16. The proposal would be contrary to the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR