
Appeal Decision

Site visit made on 28 April 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/C4615/W/24/3358249

49 Eveson Road, Norton, Stourbridge, West Midlands DY8 3BS

- 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 Derry Vilcans-Moody against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0557.
 - The development proposed is described as change of use of garage to hair salon.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who do and do not share a protected characteristic. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for the proposal with regard to local and national policy;
 - the effect of the proposal on the character and appearance of 49 Eveson Road (No 49) and the surrounding area;
 - the effect of the proposal on highway safety and the wider road network; and
 - the consequences of a refusal of permission for people with protected characteristics in the area.

Reasons

Suitable Location

4. Policy CEN2 of the Black Country Core Strategy 2011 (BCCS) establishes a hierarchy of centres in which investment in retail and town centre uses of an appropriate scale to meet its position in the hierarchy will be promoted. This is

supported by Policies CEN5 and CEN6 of the BCCS. Policy CEN5 promotes a network of vibrant District and Local Centres which amongst other things, provide day to day convenience shopping and local service needs. Policy CEN6 provides support for new small scale local facilities outside of defined centres of up to 200sqm gross subject to a proposal meeting all of the listed criterion.

5. The appeal scheme would be a main town centre use. One of the aforementioned criterion relates to whether the local provision could be better met by investment in a nearby centre. Whilst the appellant performs specialised hair and trichology services, there is limited substantive evidence before me to adequately demonstrate the need for the hair salon to be located outside of a town centre location. Additionally, in the absence of an adequate sequential test in regard to the availability of alternative sites, the appellant has not adequately demonstrated that the appeal scheme could not be located in a nearby centre such as Stourbridge or Wollaston.
6. In conclusion, it has not been adequately demonstrated that the appeal site would be a suitable location for the proposal with regard to local and national policy. It would therefore conflict with Policies CEN5 and CEN6 of the BCCS insofar as they seek to ensure that small -scale local facilities and town centre uses are located in appropriate areas.

Character and Appearance

7. No 49 is a two-storey detached dwelling located in an established residential area. The dwelling benefits from off road parking provision. Eveson Road is characterised by a mixture of detached and semi-detached dwellings as well as bungalows. The dwellings are varied in design. However, many of the dwellings have garages and consequently these are a prominent feature within the streetscape.
8. The appeal scheme would replace the existing garage door with two full length windows (glazed screen) and introduce a second door to the front elevation of No 49. The combination of these two features would clearly demarcate the hair salon from the residential dwelling.
9. Moreover, the full-length windows would resemble the fenestration often seen on high street retail units. The Council has indicated concern regarding the possibility of associated signage should the appeal scheme be allowed. I acknowledge that the appellant states there would be no requirement for external signage on the dwelling to advertise the business. Irrespective of whether the applicant would introduce signage on windows or within the curtilage of No 49, it remains that the proposed fenestration would be an incongruous feature and result in harm to the residential streetscape of Eveson Road.
10. Additionally, the appeal scheme would introduce a retail use within an established residential area. The number of clients expected to use the salon daily would be between three and eight. Consequently, it is likely that the appeal scheme would result in an increase of coming and goings from the property above what would be reasonably expected for a residential dwelling. It would therefore result in harm to the character of the surrounding area.

11. The appellant refers to Policy L6 of the Dudley Borough Development Strategy 2017 (the DBDS) which pertains to Strategic High Quality Employment Areas and is consequently not determinative for this appeal.
12. In conclusion, the appeal scheme would result in harm to the character and appearance of No 49 and the surrounding area. It would therefore conflict with Policy ENV2 of the BCCS and Policy S8 (online version) of the DBDS insofar as they seek to ensure that developments preserve and where appropriate enhance local character.

Highway Safety and Wider Road Network

13. The Parking Standards Supplementary Planning Document 2017 (the SPD) outlines that a four-bedroom dwelling like No 49, should have a minimum of three dedicated parking spaces.
14. The plans submitted by the appellant do not adequately demonstrate that there is sufficient space to accommodate the minimum three parking spaces for the residential dwelling as well as additional parking provision for the proposed hair salon as outlined in the SPD.
15. Moreover, it follows therefore, that cars associated with the hair salon would not be able to enter or exit No 49 when required due to the cramped configuration of on-site parking nor that they would not displace cars associated with the residential use of No 49. This would therefore likely result in overspill onto the road and consequently result in harm to highway safety and the wider road network.
16. Although the appellant indicates that the hair salon would provide a one-to-one service through controlled booking and consequently, there would be a sufficient level of off-road parking provision, it remains that in the absence of an adequate parking management plan, the appellant has not adequately demonstrated there to be sufficient off road parking provision.
17. Given the above, the appeal scheme would result in harm to highway safety and the wider road network. It would therefore conflict with Policy TRAN 2 of the BCCS insofar as it seeks to ensure that developments provide an acceptable level of safety by all modes of transport to and from the developments.
18. It would also fail to accord with the aims of the SPD insofar as it seeks to ensure adequate parking provision for development.

Consequences of a Refusal of Permission

19. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purpose of the PSED such as race and disability. The specific services offered by the appellant as well as the private and quiet setting of No 49 including the one-to-one service would be beneficial for persons with the aforementioned protected characteristics. Consequently, there is a potential for an adverse impact upon persons with a protected characteristic.

Planning Balance

20. I have found that the appeal site would not be a suitable location for a hair salon given it would be a town centre use outside of a centre. Additionally, that the fenestration, additional door and coming and goings associated with the proposed

development would result in harm to the character and appearance of No 49 as well as the surrounding area. Moreover, that the grant of permission would result in harm to highway safety and the wider road network. I attach substantial weight to these findings against the appeal.

21. The appellant refers to other benefits associated with the appeal scheme such as their aim to minimise environmental impact and provide a sustainable business and contribute to the local economy. I attach limited weight to the appellant's claimed benefits.
22. However, it is a positive consideration that the hair salon would provide an important facility for persons with disabilities and individuals with curly and textured hair. Consequently, I attach moderate weight to this consideration.
23. I have had due regard to the PSED as set out under s149 of the Equality Act 2010. However, the harm that would result from the appeal scheme with regard to the suitability of the location, character and appearance of No 49 and the surrounding area as well as the harm to highway safety and the wider network outweigh the benefits in terms of eliminating discrimination against persons with the protected characteristics of race and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. Thus, I conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR