



Appeal Decision

Site visit made on 1 April 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/C4615/D/24/3357413

49 Albert Road, Halesowen, Dudley B63 4SW

- 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 A Gutu against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/1144.
 - The development proposed is new porch to front elevation, new canopy to front window and detached garden building to rear.
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Decision

1. The appeal is allowed, and planning permission is granted for proposed new porch to front elevation, new canopy to front window and detached garden building to rear at 49 Albert Road, Halesowen B63 4SW in accordance with the terms of the application, Ref P24/1144, and the plans submitted with it, 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 drawing numbers: 'location plan' (drg.no. GD2698/05), 'proposed detached garden outbuilding' (drg.no. GD2698/03), 'proposed plans and elevations' (drg.no. GD2698/10A)

Preliminary Matters

2. The description of development set out in the heading above is taken from the decision notice and appellant's statement. It differs from the application form only in respect of the proposed new canopy to front window. It is clear from the evidence that including this wording will not prejudice either party and I have assessed the proposal on this basis.
3. The proposed plan, drg.no. GD2698/10A was submitted late in the appeal process. Having carefully considered both the Council's and appellant's statements, it is clear to me that this amended drawing was the one used to determine the planning application. I have determined the appeal on this basis.

Main Issue

4. The main issue in this case is the effect of the front porch and canopy, on the character and appearance of the area.

Reasons

5. The appeal site is within a row of semi-detached and terraced dwellings. There is uniformity in the building line, front facing roof slopes and chimneys, and there are prevailing features such as light coloured render and a horizontal emphasis to windows. Whilst the character is one of simple front elevation detailing, variety is also part of the context, including porch canopies, projecting bay windows, darker render colours and differing window styles. There are few porches within the row, and those that are present, including No 43 Albert Road, are modest in their forward projection and are subservient, and do not appear alien within the street scene for this reason.
6. The appeal property mirrors its semi-detached neighbour in all respects other than the roof shape and shares characteristics with the wider row of houses. It has a simple white rendered front elevation incorporating a porch canopy and flat-roofed box bay window.
7. The proposed porch and canopy over the bay window would be small in scale, subservient, and in character with the scale and roof form of the host dwelling. The porch would have a modest projection from the front face of the dwelling, such that it would not be a discordant feature in the wider terrace row. Its presence would introduce some imbalance between the host dwelling and the semi-detached neighbouring house. However, this variety in detailing at ground floor level is a characteristic of the wider row of houses and as such it would not be out of place. I find that for these reasons the proposal respects the guidance contained within the Dudley Council Residential Design Guide, Supplementary Planning Document (2023), insofar as it relates to front extensions and porches.
8. Whilst the proposed use of brick as a facing material veers away from the common render palette, this would not have a harmful visual appearance given the modest size of the extension, and slight variety in shades of render within the terrace. Moreover, the similar porch at No 43 is faced in brick, without harm to the visual appearance of the street scene.
9. The Council advises that existing porches within the terrace do not benefit from planning permission. But in the absence of any evidence of enforcement action having been taken in respect of these porches, I consider they form part of the context of the appeal site and on that basis, their presence is relevant to my consideration. Furthermore, whilst a smaller porch could be constructed under permitted development allowances, the appellant is entitled to apply for planning permission for a scheme that falls outside of those parameters.
10. For the above reasons, I conclude that the front porch and canopy would not have a harmful effect on the character or appearance of the area. Accordingly, I find no conflict with Policy ENV2 of the Black Country Core Strategy (2011), and Policies L1 and S6 of the Dudley Borough Development Strategy (2017). Together they seek to protect and promote local distinctiveness, respect context and character of the host dwelling and surrounding area, and conform to design principles, amongst other things.

Conditions

11. I have imposed the standard time limit and list of approved plans conditions in the interests of certainty. The Council has also requested a condition requiring

materials to match the existing building. I have not imposed this condition as I have concluded that a brick finish to the porch, as proposed, would not have a harmful visual effect.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

E Heron

INSPECTOR