



Appeal Decision

Site visit made on 14 May 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref. APP/C4615/D/25/3363893

1 Oak Tree Crescent, Halesowen B62 9DA

- 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 Sana Khan against the decision of Dudley Metropolitan Borough Council.
 - The application ref. is P24/1411.
 - The development proposed is: "Two storey side and first floor side/front extension (following demolition of existing garage and side buildings). Alterations to roof with rear dormer and increased roof height to create habitable rooms in roof space. Elevational changes to include new doors, windows and first floor rear Juliet balcony."
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposed works in the heading above is based on the one provided on the Council's decision notice, as repeated on the planning appeal form. It is more precise and comprehensive than the one set out on the application form.
3. There are discrepancies or potentially misleading information on the submitted plans. The stated heights on drawing numbers 002 Revision E and 004 are not consistent with each other, the second floor plan on the former drawing shows a high level window in the front gable end which is not apparent on the front elevation and the latter drawing illustrating comparable massing tends to exaggerate the massing of the existing dwelling by making limited allowance for its sloping roofs and lower eaves. Still, these matters do not go to the heart of the proposal which was determined by the Council on the basis of those plans and if the scheme had been found to be acceptable, planning conditions could have been devised to require the submission of details which would iron out any discrepancies.
4. An Arboricultural Survey and Tree Constraints Plan (ASTCP) accompanied the appeal. It seeks to address the second reason for refusal. In the interests of fairness, I gave the Council an opportunity to comment upon this new information. I have taken the ASTCP and the comments received from the Council into account.

Main issue

5. Even though there were 2 reasons for refusal on the Council's decision notice, they can be considered under a single main issue, that being the effect of the proposal
-

upon the character and appearance of the host dwelling and the locality, including its potential impact upon trees.

Reasons

6. Oak Tree Crescent is a pleasant residential cul-de-sac with all the dwellings, apart from no. 1, laid out as semi-detached, 2-storey houses with hipped roofs and lower 2-storey advanced bays topped by pitched roofs. Many have mature landscaping in their front gardens. Collectively, these features contribute positively to the area's sense of place by giving it an attractive, cohesive and verdant appearance.
7. Complementing the street scene, the appeal dwelling is a 2-storey, 3-bedroom detached house of a similar age and size to the other houses in the cul-de sac. It has a rather understated charm to its overall composition derived from the centrepiece of the main 2-storey gabled axis, the variety of lower roof and wall planes below, the cat-slide roof to the northern side, the timber cladding to the upper gable ends and the hipped side dormer in the cat-slide roof, brick headers and sills, timber shutters and the chimney stack to the rear. It has an attractive front garden and the plot as a whole contains many trees, 3 of which have recently been reduced to stumps in the front garden, as confirmed in the ASTCP.
8. The scheme would completely overhaul the existing building so as to provide 3 floors of accommodation, with a total of 6 bedrooms (including 4 en suite), a bathroom and a shower room. To achieve such a sizeable transformation, the cumulative scale of the extensions and roof alterations would indeed be substantial. Combined together in the scale and linear form presented and with a near continuous and unbroken main crown roof, the resulting 3-storey dwelling would occupy a substantial part of the width of the plot and the extensions would add substantial mass and bulk to the existing dwelling. The net result would be that the property would appear engulfed in extensions and roof enlargements.
9. I find nothing untoward about the proposed fenestration in the front advanced gable. However, the large flat-roofed rear dormer would appear out of proportion as it would occupy significantly more than half the new rear roof's width and be clad inappropriately in render instead of tiles. The inclusion of a sizeable flat-topped or crown roof would not match or harmonize with any of the roofs of the original property. Rather, it would appear incongruous and architecturally contrived with the aim of forcing the roof down so as to accommodate the second floor plan.
10. The proposed extensions, together with the crown roof and rear dormer extension, would result in a top-heavy and bulky profile that would dominate and bear no relation to the original dwelling. It would be very difficult to detect the original dwelling after the extensions had been built. The design approach taken would not successfully break up their mass, scale and bulk, especially as the changes in roof height across the northern half of the building would be minimal. This would represent poor design as the extensions would appear as substantial and unsympathetic later additions which would fail to integrate well with and be harmful to the original form and appearance of the host dwelling.
11. Even though I agree with the appellant that the resulting building would reach a similar height to the semi-detached house at no. 2 and a gap of at least 1m would be retained between it and the side boundary with no. 2, the proposed development

would still appear visually intrusive in the Oak Tree Crescent street scene and in private views from neighbouring houses on account of the roof design and width across the plot, overall bulk, the obvious lack of subservience to, or respect for the design of, the original dwelling and the diminution of the attractive sky gap between the opposing 2-storey sides of nos 1 and 2. There would be a negative impact on the place setting of the street scene.

12. In all the above respects, the scheme eschews various general design principles for house extensions within the Residential Design Guide Supplementary Planning Document (SPD) 2023. The SPD is not policy in itself but it carries weight as a material consideration in decision making. The appeal proposal would fall foul of the principles in the SPD relating to design, scale, duality, dormers and flat roof construction. The proposed development would not represent a visually attractive solution that would add to the overall quality of the area. Rather, it would have a scale, mass, bulk and design that would be disrespectful of and inappropriate to the character and appearance of the dwelling, which would also lose its rather understated charm, and the surroundings.
13. Various extensions to several properties are shown in the photographs within Appendix B to the appellant's statement. I do not have any planning history about any of those cases other than the site at 28 Manor Lane. The development there related only to a loft conversion incorporating rear and side dormers, was approved in 2017 before the adoption of the SPD and is far removed from Oak Tree Crescent. Some of the other examples may have been built under permitted development rights such as the hip to gable extensions at 13 and 14 Oak Tree Crescent and 159 and 167 Spies Lane and the rear dormers at 82 and 84 Shenstone Valley Road, whilst it is possible that the more substantial side extensions at 20 Oak Tree Crescent and 33 Gower Road may have received planning permission under a different development plan background. The large front dormer at 8 Rosafield Avenue is not a particularly good example to follow. I saw nothing to justify what is proposed on the appeal site. It is an established planning principle that each case should be considered on its own merits.
14. The Council, correctly in my view, asserted that insufficient information had been provided to assess whether the proposal would result in loss or damage to the trees on the site particularly those along the southern and roadside boundaries. The most relevant development plan policy on this matter is Policy S22 of the Dudley Borough Development Strategy 2017. This says that where trees are affected by development, applicants will be required to provide full details of any impact. Proposals involving the loss of mature and semi-mature trees will normally be required to include replacement tree planting.
15. The ASTCP found that a small Japanese maple tree in the rear garden, which is more than 50% dead and of low quality and amenity value, will most likely have to be removed. No other significant or insurmountable tree constraints were envisaged and all other trees are expected to be retained subject to robust protection measures and sympathetic working methods. The Council accepted the findings of the ASTCP and recommended that standard tree protection measures be included in an arboricultural condition to be attached to any permission.

16. I am however concerned about the proposed wholesale alteration of the mature front garden from its current attractive condition into a predominantly hard surfaced area for the access, 4 parking spaces and manoeuvring space. I consider that an appropriate and effective landscaping scheme should be required and implemented through a planning condition, covering all the land in front of the roadside elevation and showing the hard surfacing materials to be used, trees, shrubs and other vegetation to be retained and new planting, especially to the roadside boundary. With this and the other suggested tree protection condition, there is every prospect that a reasonable garden landscape could at least be secured with the development proposed.
17. Drawing together the above, I find on the main issue that whilst the potential impact on trees could be addressed by suitable conditions, the proposal would be otherwise harmful to the character and appearance of the host dwelling and the locality. There would be a failure to respect the relevant criteria and principles relating to place-making, design, local character and local distinctiveness in Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy 2011 and Policies L1, S6 and S8 of the Dudley Borough Development Strategy 2017. Good design is also a cornerstone of the National Planning Policy Framework.
18. The Council raised no objections in relation to parking and highway safety or to neighbouring residential amenities subject to a condition to ensure that the side-facing roof lights are non-opening and opaque-glazed. I see no reason to disagree on any of those matters or with any others raised and covered comprehensively in the officer's report. Still, my finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations, including the improved and enlarged living space for the family home, the enhancements to thermal efficiency and structural elements and the more efficient use of land that the scheme would bring about.
19. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR