



Appeal Decision

Site visit made on 1 April 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/C4615/D/24/3357622

70 Southerndown Road, Sedgley, Dudley DY3 3NA

- 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 & Mrs D Christie against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0791.
 - The appeal development is described as: Proposed two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above is taken from the application form. Whilst the Council's description is more detailed, I am satisfied that the above adequately describes the development proposed.

Main Issues

3. Based on the Council's decision, the main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 72 Southerndown Road with particular regard to outlook.

Reasons

Character and Appearance

4. The site is within a quiet residential estate that comprises a mix of single-storey and two-storey, modern dwellings. Whilst the site is not in a Conservation Area or other special designation, there is a distinctive prevailing character on the west side of Southerndown Road. This is the gently staggered row of gable fronted dwellings, and a pleasant mixed material palette of render, cladding, and tile-hung panels on the front elevations.
5. The appeal property sits at the end of the row of dwellings between No 68 and No 72. It is distinctive as it is the sole example of an originally designed house as it is taller with a steeper roof pitch and prominent side dormer. However, it also sits comfortably within the street scene as it conforms to the staggered building line and is gable fronted. In addition, its design features take their cue from the

adjoining row of dwellings. It is prominent from the north on the approach into the estate from Gospel End Road, and in this context the long run of gable-fronts and dual-pitched roofs, including the appeal property, is particularly visually pronounced. This is due in part to the ground level of No 72, and its separation from the appeal site by way of a low-key and lengthy, side element.

6. The Dudley Council Residential Design Guide, Supplementary Planning Document (2023) (SPD), advises that new development should be subordinate in terms of scale to retain the general proportions of the dwelling, and that dormer windows would only be permitted exceptionally, where they would be in keeping with the architectural style of the property and would complement existing features in terms of proportions and positioning, amongst other things.
7. The ridge of the proposed side extension would be flush with the main ridge of the house, such that the roof slope would be an expansive feature orientated towards the site frontage, at odds with the prevailing roof slopes in the street. The dormer window would draw further attention to this roof slope due to its dual-pitched roof design and position on the roof of the extension. These elements of the proposal would not be subservient to the simple appearance and massing of the host dwelling and would detract from the prevailing gable-front characteristic of the street scene.
8. In respect of the side aspect facing north, whilst the dormer would be removed, a tall gable feature with prominent eaves would be introduced. This would also be an incongruous and discordant feature within the street scene, where gables to the front elevations predominate. Overall, I find that the proposal does not accord with the design principles in the SPD.
9. The appellant has referenced the SPD guidance insofar as it relates to additional stories. However, I have attributed limited weight to this argument as this section of the SPD refers solely to the Prior Approval procedure under the Town and Country Planning (General Permitted Development) Order, (2015), (as amended).
10. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. As such, in this regard, the development conflicts with the relevant provisions of Policies S6, S8, and L1 of the Dudley Borough Development Strategy (2017) (DS), and Policy ENV2 of the Black Country Core Strategy (2011) (CS). Amongst other things these require development to respect, protect, and respond to locally distinctive character, and the visual qualities of local areas, amongst other things.

Living Conditions

11. The neighbouring property, No 72, is positioned at a lower level and has windows facing the appeal site, and an outdoor private area in the intervening space. The proposed roof of the side extension is angled away from this boundary and is also separated from the bulk of No 72 by two outbuildings. The side gable feature would face towards the appeal site's own parking and turning area. The proposal would also not extend further towards the rear than the existing, and as such would not encroach further towards the neighbour's window or outdoor space. Finally, the side dormer would be removed, replaced with a rooflight, the sole additional window would be obscure glazed, and there would be a net reduction in the side fenestration overall. Taking all of these factors into account, the proposal would not appear overbearing or create an oppressive boundary. In addition, there

would be no detrimental loss of light. These factors are consistent with the Council's report.

12. As such, I conclude that the development would not harm the living conditions of the occupants of 72 Southerndown Road with particular regard to outlook. As such, in this regard, I find no conflict with Policies L1 and S6 of the DS. These require, amongst other things, that development should not cause unacceptable harm to living conditions of neighbouring occupiers and requires adherence to design quality principles. In respect of this main issue, my attention has been drawn to Policy ENV2 of the CS and Policy S8 of the DS. However, it has not been explained how these are relevant to this main issue and so I find they weigh neither in favour of nor against the appeal development.

Other Matters

13. The appellant asserts that the development plan policies are not pertinent to the design on the basis that the locality is not distinctive or historic, Policy S6 has been misinterpreted and the CS policies are out of date. The policies in question refer to local distinctiveness, and whilst historic environment is included within the wording, it is not the defining justification for respecting local character. Moreover, I have found that the development conflicts with Policy S6 as it does not respond positively to the character of the local area. In relation to the age of the CS, this remains an adopted development plan document, and the relevant policies align with the principles contained within the National Planning Policy Framework.
14. I am satisfied therefore, that the quoted policies are relevant to the appeal. I have based my assessment upon them together with the development plan as a whole, and I have further determined that no other considerations have been identified that would outweigh that assessment. This includes my findings in relation to the second main issue.

Planning Balance and Conclusion

15. I have not found harm in respect of living conditions, and I acknowledge that the net reduction in windows on the side elevation would be of benefit to the living conditions of the occupants of No 72. However, I have found that this does not outweigh the harm in respect of the effect of the appeal development on the character and appearance of the area. In this case, I consider there would be conflict with the development plan overall. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR