



Appeal Decision

Site visit made on 22 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025.

Appeal Ref: APP/C4615/W/25/3366477

75 Wolverhampton Road, Sedgley, Dudley West Midlands DY3 1QX

- 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 Brian Jewkes against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/1282.
 - The development proposed is erection of a 2-bedroom bungalow.
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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.
3. The name of the appellant differs from that of the original applicant. The banner heading reflects the clarification which was given by the appellant.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located in the rear garden associated with No 75 Wolverhampton Road (No 75). No 75 is a large, detached dwelling that occupies a corner position at the junction with High Park Crescent. It is sited on a large plot with a large parking area to the front. It is also adjacent to 77 Wolverhampton Road which is a detached dwelling and located in a relatively large plot and Hilton Lodge which is another large, detached property enclosed by mature trees and hedging. The surrounding area is residential in character and predominantly consists of two storey dwellings and relatively large plot sizes.
6. The proposed development would introduce a bungalow and would be sited on a relatively small plot when compared with the immediate adjacent dwellings and their relevant plot sizes. Additionally, it would have a relatively shallow frontage and rear garden. Consequently, whilst I acknowledge that the appellant has

revised the appeal scheme including the reduction of the scale of the bungalow to the previous scheme, its single storey character would remain at odds with the general street scape especially given its proximity to the neighbouring large dwellings adjacent to the site. It would therefore, to my mind, result in a cramped and incongruous development when compared to the general pattern of development of the area.

7. Furthermore, the appeal scheme would be located close to the western boundary of the site, and this further highlights the unacceptable difference in scale and massing with the nearby Hilton Lodge due to its single storey character. Consequently, whilst the appeal scheme would not be overly dominant in character and there would be appropriate boundary treatments of the appeal site, it would remain in my judgement an unacceptable addition to the overall character and appearance of the area.
8. Consequently, whilst I acknowledge the appellant has proposed an infill design which would avoid blank elevations and use sympathetic external materials this does not justify a development which would be incongruous when viewed in conjunction with the overall prevailing pattern of development in the immediate locality.
9. I do not know the full circumstances which led to the bungalows on High Park Crescent and Wolverhampton Road and therefore cannot be certain that they are wholly comparable to the appeal scheme before me. Nevertheless, each application is determined on its own merits and given the location of the appeal site as well as the large plot sizes immediately adjacent, they do not lead me to a different conclusion.
10. The appellant has referred to an appeal decision in Biddulph, Staffordshire. However, I do not have an appeal number and accordingly do not have the full circumstances of the case before me. Therefore, there is limited substantive evidence to indicate that it is directly comparable. Nevertheless, whilst the Inspector in that decision may have found a development to accord with its relevant settlement pattern, each application is determined on its own merits. Consequently, given the specific site context and proposed single storey design of the appeal scheme before me, I have identified that it would result in unacceptable harm to the character and appearance of the surrounding area.
11. In conclusion, the appeal scheme would result in harm to the character and appearance of the surrounding area given its cramped design. Therefore, it would conflict with Policies CSP4, HOU1, HOU2, ENV2, ENV3 of the Black Country Core Strategy 2011 and Policy L1 of the Dudley Borough Development Strategy 2017 insofar as they seek to ensure that high quality designs including the siting, scale and massing of developments respond positively to their local context and character of their surrounding areas.
12. It is for the same reasons that the appeal scheme would fail to accord with the Dudley Council Design Residential Design Guide 2023.

Other Matters

13. The Council has stated that it can only demonstrate 63% of its housing target published in 2024. This is substantially below the supply it is expected to deliver.

The appeal scheme would provide four units and would boost the housing stock in circumstances where there is a shortfall.

14. The proposal would provide a bungalow which could provide residential accommodation for individuals with disabilities and/or the elderly and therefore could affect a person with a protected characteristic as outlined in the PSED. The negative effect of dismissing the appeal is that living accommodation for a person with a protected characteristic may not be provided.
15. A lack of harm regarding highway safety, waste storage, living conditions including the provision of adequate separation distances, privacy and space standards as well as open space and mature trees are neutral factors in this case.

Planning Balance

16. As set out above, the appeal scheme would result in cramped and incongruous development when viewed within the wider streetscape. Thus, it would result in harm to the character and appearance of the surrounding area.
17. Paragraph 11 d) of the National Planning Policy Framework (the Framework) explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposal would deliver an additional housing unit in an acceptable location in a Borough that is falling significantly below their HDT. It would contribute to the local housing mix and contribute to the vitality of the local community. However, given that it is for one dwelling it attracts modest weight in this case.
19. 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 character and appearance of the surrounding area would outweigh the benefits in terms of eliminating discrimination against persons with the protected characteristics of age 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.
20. Given all of the above, the adverse impacts I have identified as a consequence of the appeal scheme would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework policies as a whole.

Conclusion

21. 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