



Appeal Decision

Site visit made on 13 August 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/C4615/D/25/3367657

250 Northway, Dudley, DY3 3RL

- 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 Mandeep Dhaliwal against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P25/0389
 - The development proposed is the erection of a garage and porch.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a garage and porch at 250 Northway, Dudley, DY3 3RL in accordance with the terms of the application, Ref 25/0389, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings.

Reasons

3. The appeal property, a detached dwelling, stands at the junction of Northway and Rowena Gardens within a substantial and pleasant residential estate. The dwelling has been extended before, and as a result is one of the largest properties in the vicinity.
4. The Council considers that the '*maximum extensions have been achieved at the site*' and asserts that the proposals, on account of their respective heights and scale would result in incongruous or discordant additions in a prominent position, eroding the openness currently in evidence on the corner and harming the street scene.
5. The dwelling's front elevation is characterised by a dominant steeply pitched A-shaped gable with two smaller, matching gables set above first floor windows. Steeply pitching gables are not an uncommon design feature in the locality, notably next door at No 1 Rowenna Gardens and in the 4 dwellings on the other side of the junction at 242 to 248 Northway. Similar design features are apparent further along Rowenna Gardens towards the end of the cul-de-sac.
6. Both proposals take their design influences from this style of development, and given the steepness of the respective roof pitches it is inevitable that their ridge

heights would be correspondingly high. Porches are not characteristic of the area, and that proposed would protrude beyond the prevailing building line. However, porches are not uncommon features in dwellings, and since they are invariably built to the front of dwellings, they characteristically breach building lines. In my view, however, the porch is well designed, with its roof reflecting the shape of the main gable, being fitted in harmoniously within its main angle. Sufficient land exists in front of the property to enable the porch to be accommodated comfortably without impinging harmfully on openness or the visual qualities of the street scene.

7. The garage would be erected at the side of the house, towards the rear next to a substation largely on a hard surfaced parking area so that there would be minimal loss of greenery. Viewed from the front, when approaching from the south, the garage's gabled design, reflecting that of the host property, is such that it would sit acceptably and unobtrusively in its visual context. There would be sufficient greenery to the side, between it and the highway, to ensure that the plot would not assume an overdeveloped appearance.
8. When approaching from the north along Northway and from Swallowfield Road to its junction with Northway, I saw that views of the garage would largely be curtailed and obscured by mature trees. This would be the case for most of the year. On defoliation in winter, the garage would become more visible, but it would be largely silhouetted, in matching materials, against the bulk of the property's largely brick-built side elevation. It would not look out of place.
9. I therefore conclude that both proposed structures would sit acceptably in their spatial context having no harmful effect on the character and appearance of the host property and its surroundings. Accordingly, no conflict arises with the relevant provisions of policies ENV2 and ENV3 and of the Black Country Core Strategy and policies L1, S6 and S8 of the Dudley Borough Development Strategy requiring designs to be of a high quality, to respond to local character and visual amenities and to reinforce local distinctiveness.

Conditions

10. In the interests of certainty, it is important that the development is carried out in accordance with the approved plans, and a condition to this effect is imposed, as shall the Council's suggested condition in respect of materials, in the interests of visual amenities.
11. Since the east facing window in the porch hereby permitted would look onto next door's front garden at relatively close quarters it could be perceived as affecting privacy. Accordingly, the Council's suggested condition is imposed, albeit in a modified form.
12. I shall impose an additional condition in the interests of sustainability and maintaining green infrastructure with a view to protecting the existing tree growing to the side of the proposed garage, and ensuring its replacement should it become severely damaged or removed.
13. I note concerns expressed by a local resident as to the possible future use of the garage, and in the interests of certainty, a condition clarifying its future use is imposed.

Other matters

14. All other matters raised in the representations have been considered. The policies referred to in the emerging Dudley Local Plan attract minimal weight since the draft plan is still at a hearing. I have also noted the Council's references to its Supplementary Planning Document on Residential Design.
15. Several local residents raised concerns, and I have already dealt with most of the planning-related issues raised. The Council's officer report assesses other issues raised, including those concerned with residential amenity and highway safety¹. I share the Council's assessment on these other matters, for the same reasons. No other matter raised is of such strength or significance as to outweigh the considerations leading to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the OS location plan; the OS site plan (proposed); Plan Ref 25/112 Rev B (existing and proposed floor plans) & Ref 25/112 Rev B (existing and proposed elevations).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing property.
- 4) The east facing window in the porch hereby permitted shall be obscurely glazed and non-openable and shall be retained in this form in perpetuity.
- 5) Prior to the commencement of development measures for the protection of the tree next to the proposed garage during the construction period shall be submitted to the local planning authority for its written approval. The approved measures shall be installed or implemented and kept in place for the duration of the construction period. Should the tree become seriously damaged or is removed within 5 years of the commencement of development it shall be replaced with a scheme of planting and within a time period as previously agreed in writing with the local planning authority.
- 6) The garage hereby permitted shall only be used for purposes incidental to the use of the dwelling known as 250 Northway.

¹ The submitted visibility plan is noted, and the garage would utilise an existing driveway access. There is no convincing evidence that the use of the drive would be increased or that extant visibilities at the Rowena Gardens/Northway junction would be impaired. Indeed, the evidence points the other way.