



Appeal Decision

Site visit made on 2 September 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/G4620/W/25/3369035

18 Douglas Road, Oldbury, Sandwell B68 9ST

- 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 Melap Singh against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/25/70232.
 - The development proposed is new 3 bed dwelling with detached garaging and car parking to the rear.
-

Decision

1. The appeal is allowed and planning permission is granted for new 3 bed dwelling with detached garaging and car parking to the rear at 18 Douglas Road, Oldbury, Sandwell B68 9ST in accordance with the terms of the application, Ref DC/25/70232, subject to the conditions in the attached schedule.

Preliminary Matters

2. Permission has been granted for a new dwelling at the appeal site which would have a hipped roof to the corner of Douglas Road and Douglas Avenue.¹ The proposed development is for a dwelling which would have a gable roof. The Council has no concerns regarding the principle of a new dwelling at the site, with its reason for refusal relating solely to the design of the proposed roof. I have determined the appeal accordingly.

Main Issue

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

Reasons

4. The appeal site is located in a residential area, on a corner plot. The predominant layout is one of traditional semi-detached and terraced properties of a similar size and age, set back from the road with front and rear gardens. This gives a harmonious impression of cohesiveness which adds positively to the character and appearance of the area.
5. Given the prominent corner location of the appeal site the dwelling would be visible from both Douglas Avenue and Douglas Road. The majority of the properties along Douglas Avenue are characterised by traditional hipped roofs. However, due to its positioning within the plot the proposed dwelling would have a closer visual

¹ DC/22/67218

relationship with the properties along Douglas Road, which the proposed property would front. The rooflines along Douglas Road are more varied, with a number of dwellings having gable roofs. The proposal would be viewed in the context of these dwellings. As such, the proposed development would not interrupt a uniform roofscape nor appear as discordant or incongruous in the surrounding street scene.

6. The proposal would therefore not harm the character and appearance of the area. It would comply with Policy ENV3 of the Black Country Core Strategy (2011) and Policy EOS9 of Sandwell's Site Allocations and Delivery Development Plan Document (2012) which seek to ensure high quality design that is compatible with its surroundings.

Other Matters

7. The proposal would provide garaging and off-street parking space. There is no substantive evidence before me that the proposal would increase parking problems nor lead to anti-social noise issues. These matters therefore do not affect my findings.

Conditions

8. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended a number of conditions in the interest of clarity. The appellant has confirmed his agreement to the proposed pre-commencement conditions.
9. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty (conditions 1 and 2).
10. It is necessary to include a condition requiring details of the finished levels to be approved (condition 3) in order to protect the character and appearance of the area. The condition is a pre-commencement condition to ensure the development is constructed in accordance with the approved levels. In order to ensure that a satisfactory drainage scheme can be achieved for the development pre-commencement condition 4 is necessary. Condition 5 is a necessary pre-commencement condition to require a construction environmental management plan to safeguard the amenity of neighbouring residents throughout the build of the development.
11. In order to protect the health of occupants of the scheme, and to ensure that any potential effects of ground contamination are mitigated, condition 6 is required. In order to protect the character and appearance of the area, I have imposed conditions relating to external materials, boundary treatment and hard and soft landscaping (conditions 7, 8 and 9). Conditions 10 and 11 relate to parking and waste storage and are included in the interests of highway safety and the character and appearance of the area.
12. The Council has suggested the removal of permitted development rights with regards to the enlargement or extension of the dwelling. However, the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance also advises that such conditions may not

pass the test of reasonableness or necessity. I am not persuaded that such a condition is justified to make the development acceptable in planning terms. Consequently, the suggested condition has been omitted.

13. A Certificate of Lawfulness (LDC)² for a proposed loft conversion, including a hip to gable extension has been issued for 18 Douglas Road which is located next door to the proposed dwelling. The appellant has suggested a condition requiring these works to be undertaken at the same time as the proposed development. However, I have determined this appeal on its own merits and on the prevailing site-specific circumstances and do not consider that it is necessary to impose such a condition to make the development acceptable in planning terms.

Conclusion

14. For the reasons given above, the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
15. As a result, the appeal should be allowed.

L C Hughes

INSPECTOR

² DC/23/67965

SCHEDULE OF 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 nos: Location Plan GD2387/03A; Proposed Garages GD2387/101A; Proposed Plan and Elevations GD2387/200 B; Block Plan GD2387/201.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall take place until details of drainage works (including Sustainable Urban Drainage Systems) for the disposal of both surface water and foul sewage has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be implemented before the development is first occupied and shall be retained thereafter.
- 5) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 7) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 8) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the dwelling is occupied.
- 9) Prior to the occupation of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The approved hard and soft landscaping scheme shall be implemented within eight months of the dwelling being occupied. Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replaced in the next planting season. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 10) Prior to the occupation of the development hereby permitted, the garages and parking spaces shall be provided in accordance with drawing nos GD2387/101A and GD2387/201. Thereafter the parking spaces and garages shall be retained for the parking of vehicles only.
- 11) Prior to the occupation of the development hereby permitted details of waste storage to serve the dwelling shall be submitted to and approved in writing by the local planning authority. The approved waste storage shall be implemented before the dwelling is first occupied and retained thereafter.

*****END OF SCHEDULE*****