



Appeal Decision

Site visit made on 10 September 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025.

Appeal Ref: APP/C4615/W/25/3365011

13 The Hayes, Lye, Stourbridge DY9 8NL

- 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 Syed Quandri against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0669.
 - The development proposed is HMO – 5 Rooms.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans with the appeal that are undated and unlabelled, however show floor plans. The changes include the addition of a bin store to the rear, reduction in bedrooms to four and the addition of a window to the top floor bedroom. The appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which people's views were sought. While the Council have seen sight of the amended plans as part of this appeal, they have not had the opportunity to formally comment or consult on the amended plans prior to the appeal being lodged and significant changes to the appeal scheme are proposed. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined the appeal on the basis of the amended plans. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.
3. At the time of my site visit, I saw that the development had been completed, and I have dealt with the appeal on that basis.

Main Issues

4. The main issues are:
 - whether adequate living conditions would be provided for future occupiers with regard to internal ceiling heights, layout, sunlight, daylight, privacy, noise and disturbance, and
 - highway safety with regard to parking.

Reasons

Living conditions

5. The Council's Residential Design Guide¹ provides guidance on HMO's and seeks to ensure that each bedroom has an area of 6.51m. The Council are satisfied that each bedroom would meet this requirement, however, the development includes a bedroom in the roof space and as the property has a pitched roof, this is likely to impact the usable space in this bedroom.
6. The Council's Residential Design Guide states that any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5m is not to be taken into account in determining the floor area of that room. The Dudley Metropolitan Borough Council HMO Standards 2022 (HMO Standards) provides further guidance that floor-space should be useable.
7. The floor plans submitted with the application do not show information relating to ceiling heights and it therefore cannot be established that bedroom 5 would provide an adequate amount of useable floor space. The bedroom is shown to be small and therefore, when taking into account the restricted roof height through the sloping roof, it is unlikely to provide an adequate amount of space for future occupiers.
8. The HMO Standards also require that WC cubicles, bathrooms and shower-rooms should not be more than one floor distance from the rooms they serve. In the case of the development, all of these facilities would be located on the ground floor which would make the layout impractical for the occupiers of the top bedroom.
9. The bedroom in the roof space would have a window on the boundary with the adjoining dwelling, which would mean that it would appear to face a brick wall. As a result, on the basis of the plans, it would appear that the bedroom in the roof space would have no daylight or sunlight.
10. The ground floor bedrooms would have windows that would face towards the commercial use next to the appeal site. There would be no barrier between the windows and premises and due to the closeness, this could mean that people working as well as those entering and exiting would have unrestricted views into these bedrooms. As these are the only windows serving these rooms, the loss of privacy as well as potential for noise and disturbance through commercial activities would be exacerbated.
11. I therefore conclude that the proposed development would not provide adequate living conditions for future occupiers with regard to internal ceiling heights, layout, sunlight, daylight, privacy, noise and disturbance. It would be contrary to Policy HOU2 of the Black Country Core Strategy Adopted February 2011 (CS), Policies S1, L1 and D2 of the Dudley Borough Development Strategy Adoption March 2017 (DS), Paragraph 135 of the National Planning Policy Framework (the Framework) and guidance contained within the Residential Design Guide and HMO Standards. Amongst other things, these seek to ensure that development is of high quality design, provides an appropriate level of amenity for future occupiers and is compatible with surrounding uses.

¹ Dudley Council Residential Design Guide Supplementary Planning Document May 2023

Highway safety

12. The Residential Design Guide provides guidance on HMO developments and seeks to ensure that they have appropriate parking provision in line with the most up-to date parking standards. The Council's Parking Standards Supplementary Planning Document (SPD) Adoption September 2017 (Parking SPD) states that for HMOs located outside of district, strategic and town centres such as the appeal site, that parking requirements will be assessed on its own merits.
13. The development includes no allocated parking for occupiers which would mean that occupiers would need to park on the A458 which the Council identify as a Key Route. Whilst this road does not have any parking restrictions, such parking could cause an obstruction to other road users and pedestrians.
14. I note that the appellant suggests there is allocated parking, however, none is shown and the space to the front of the property was blocked during the time of my site visit by the gate providing access to the neighbouring commercial facility. I also note that there may be restrictions on car ownership through the tenancy agreement, but I have not been provided with any details of this.
15. I therefore conclude that the proposed development would harm highway safety with regard to parking. It would be contrary to Policy TRAN2 of the CS, Policy S17 the DS, Paragraph 115 of the Framework and guidance contained within the Parking SPD and Residential Design Guide. Amongst other things, these seek to ensure that development provides an acceptable level of accessibility and safety by all modes of transport and provide adequate parking.

Other Matters

16. The development would help to accommodate staff for a commercial business nearby, however, the appeal before me is not for worker accommodation so there would be no guarantee it would be occupied by such workers.
17. The appellant has expressed that they are open to making modifications to the development, to enhance amenity, layout, explore sustainable travel incentives and negotiate with adjacent landowners for additional off-street capacity. However, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which people's views were sought. In any case, no such details have been provided with the appeal to be considered.

Conclusion

18. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR