
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: 24 September 2025

Appeal Ref: APP/C4615/W/25/3369420

Ashgrove Care Home, 9 Dudley Wood Road, Netherton, Dudley DY2 0DA

- 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 Ashgrove Care Home Limited against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P25/0193.
 - The development proposed is full planning application for first floor extension to provide 18no. new bedrooms (resubmission of P23/1540).
-

Decision

1. The appeal is allowed and planning permission is granted for full planning application for first floor extension to provide 18no. new bedrooms (resubmission of P23/1540) at Ashgrove Care Home, 9 Dudley Wood Road, Netherton, Dudley DY2 0DA in accordance with the terms of the application, Ref P25/0193, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area and host building, and
 - the living conditions of the occupiers of neighbouring properties with regard to privacy.

Reasons

Character and appearance

3. The appeal building is a large and predominantly two storeys and is currently being used as a care home. There is a large single storey extension which is where the proposed first floor extension is proposed and is in order to enlarge the care homes capacity.
4. The appeal site is accessed from Dudley Wood Road which sits at a higher level and slopes down towards the appeal building. The wider area is predominantly residential with dwellings mostly occupying long plots with deep rear gardens, which combined with several, large open spaces result in an open and spacious character and appearance.

5. The proposed development would be visible from a number of viewpoints that surround the appeal site. However, most views would be glimpses, particularly from Dudley Wood Road and the public footpath that runs between Spring Meadow Road and Dudley Road. These views would generally be for short periods from pedestrians and road users, through the change in land levels and generally well vegetated area which assists in restricting views from the surrounding area. I note the Council's comments that the landscaping could be removed, however, the proposal does not include this and much of the vegetation is located outside of the appeal site meaning that there is little evidence to suggest that this would be removed in the future.
6. There would be more prolonged views from the open access to the nearby pub car park, bus stop, bowling green and pub car park itself. However, the predominant view from this area is the two-storey part of the host building that already exists. The proposal would add to the overall bulk of the building, however, only a small section of the proposed development would be visible from these areas, which through the distance, design and vegetation would not appear as an incongruous feature.
7. The proposal would be visible from the dwellings on Spring Meadow Road, but the design means that there would be a step down from the existing first storey section of the host building which would mean it would appear as a subservient feature that would not be overbearing. The proposed dormer windows would be small and have a functional appearance with the predominant view being of the insulated panel that would be coated to match the brickwork. As a result these would be assimilated into the remainder of the proposed development, with the limited views further restricting their impact and they would therefore not result in an incongruous addition.
8. I therefore conclude that the proposed development would not harm the character and appearance of the area or host building. I find no conflict with Policy ENV3 of the Black Country Core Strategy Adopted February 2011, Policies S6 and L2 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 Dudley Council Residential Design Guide Supplementary Planning Document May 2023 (Residential Design Guide). Amongst other things, these seek to ensure that development is of high quality design, is responsive to the character of the local area and will function well and add to the overall quality of the area.

Living conditions

9. The proposed first floor windows would face towards the dwellings on Spring Meadow Road. The windows themselves are shown to be splayed, with a solid panel covering the majority of the window opening, with a small, glazed window which would allow views at an angle.
10. The result would mean that there is only a small and angled opening for future occupiers to look out of, meaning that views would be restricted to the very end of the gardens on Spring Meadow Road. This, combined with the separation distance would mean that the proposed development would not result in a loss of privacy for neighbouring occupiers.

11. The Council also raise concerns over the perception of overlooking. However, the majority of the window opening would be solid and would match the external brickwork. This would mean that any views from neighbouring occupiers would be dominated by the solid aspect, with only a small, angled window visible which instead would give the appearance that views are restricted and directed away from their private gardens.
12. I therefore conclude that the proposed development would not harm the living conditions of neighbouring occupiers with regard to privacy. I find no conflict with Policy L2 of the DS, Paragraph 135 of the Framework and guidance contained within the Residential Design Guide. Amongst other things, these seek to ensure that development results in an adequate level of overall amenity and create places with a high standard of amenity for existing users.

Other Matter

13. The Council raise concern that the plan Proposed Elevations – drawing number G002933/8 Rev.C has been referenced but not provided with the appeal. However, the appellant has confirmed that drawing number G002933/8 Rev.B is the correct plan and that is what is before me.

Conditions

14. Condition 1 is the standard condition that relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Condition 3 specifies the materials to be used in order to protect the character and appearance of the area.

Conclusion

15. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

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 the following plans:

G002933/10b (Location Plan and Proposed Block Plan)

G002933/02a (Proposed Ground Floor Layout)

G002933/07e (Proposed 1st Floor Layout)

G002933/08b (Proposed Elevations and Section)

G002933/09b (Proposed Roof Plan)

3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.