



Appeal Decision

Site visit made on 7 October 2025

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal Ref: APP/C4615/C/24/3355187

387 Birmingham New Road, Dudley, DY1 4SJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Buttergrove Housing against an enforcement notice issued by Dudley Metropolitan Borough Council.
- The notice was issued on 10 October 2024.
- The breach of planning control as alleged in the notice is: Without planning permission and within the last four years the carrying out of development comprising of a roof extension (the Roof Extension).
- The requirements of the notice are: **Either**, (i) Fully demolish and remove the Roof Extension;
- (ii) Following compliance with step (i), undertake necessary works to restore the dwellinghouse situate on the Land to its former state and condition by restoring a tiled hipped roof which replicates the former roof in terms of design, pitch and materials (as shown in appendices 3 and 4 attached to this notice) and reinstate the original eaves of the dwellinghouse; **Or**, (iii) Reconfigure the development to ensure that the edges of the enlargement next to the eaves of the original roof are further than 0.2 metres from the eaves measured along the roof slope from the outside edge of the eaves so as to conform with development permitted under Schedule 2, Part 1, Class B of The General Permitted Development Order 2015, (as amended) and in compliance with the conditions of such, namely: (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; (b) the enlargement must be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension — (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be — (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. (iv) Remove from the Land and lawfully dispose of any debris, waste or materials arising from works carried out in compliance with steps (i), (ii) or (iii).
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

2. The appeal property is an end of terrace dwelling. The appeal is made on a single ground, which is that planning permission should be granted for the roof works that have been carried out, comprising a hip-to-gable roof extension incorporating a rear dormer. The appellant maintains that the development is permitted development, complying with Class B of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (the

GDPO). This grants planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to limitations and conditions. Strictly speaking, an assertion that the development is GDPO permitted development is a ground (c) matter, namely that the development is not a breach of planning control, but in any case I am not persuaded that it benefits from Class B.

3. The appellant claims that it complies with Class B because the roof extension is less than the 50m³ in volume and complies with the relevant requirements in that it does not protrude beyond the principle elevation, nor does it extend beyond the side elevation. First, the volume limitation for terraced dwellings is 40m³, not 50m³, but in any case no dimensions have been provided, and it is for the appellant to show that it satisfies that requirement. Furthermore, the gable end wood effect cladding protrudes beyond the side elevation and is not of a similar appearance to any existing external materials. Class B.4(a) provides that roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement, but in this case the side cladding protrusion also includes the supporting structure and hence does not benefit from this derogation.
4. The Council also notes that the roof extension at the rear is not set back from the eaves of the original roof by not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves, as required, and this, which is required by Class B.2(b)(i)(bb) so far as practicable, is not disputed.
5. Overall, I find that it has not been demonstrated that the development complies with Class B. Nonetheless, I note that the requirements of the notice include, as an alternative to complete removal, altering the development so that it does comply with the Class B requirements insofar as they relate to materials, eaves set-back and extending beyond the external walls. I take this therefore as analogous to a fallback, such that it forms the basis of comparison with the development as built.
6. As it stands the roof enlargement dominates the end terrace dwelling, giving it a top-heavy appearance and drawing the eye through the use of uncharacteristic and unsympathetic materials on the side elevation, such that it is discordant in the street scene. Although the alternative requirements would result in a roof of broadly similar form, the reduced scale would mitigate the bulky appearance of the roof extension while the use of similar materials to the existing would significantly reduce the harmful visual impact. I find therefore that the development as built fails to accord with Black Country Core Strategy (2011) Policies ENV2 and ENV3, Dudley Borough Development Strategy (2017) Policies L1 and S6, and the Residential Design Guide SPD (2023), and hence it conflicts with the development plan read as a whole. In the absence therefore of material considerations to outweigh that conflict, the appeal must be dismissed and planning permission refused.

Paul Dignan

INSPECTOR