



Appeal Decision

Site visit made on 1 October 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/D4635/W/25/3359780

434B Dudley Road, Wolverhampton WV2 3AQ

- 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 S Singh of Amritsar Sweets against the decision of Wolverhampton City Council.
 - The application Ref is 24/01231/FUL.
 - The development proposed is described as retention of rear extension-single storey-dining area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the appeal scheme was completed in March 2022. I have therefore considered the appeal on the basis that the development has been constructed, as did the Council.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area;
 - the effect of the development parking provision and highway safety; and
 - the effect of the development on neighbouring amenity with regard to noise and disturbance.

Reasons

Character and Appearance

4. The appeal property is located on Dudley Road which is a relatively busy highway. The surrounding area is characterised by a mix of mainly commercial and residential buildings. The development subject of this appeal is located at the rear of 434B Dudley Road (No 434B) and is adjacent to the boundary wall. It is highly visible from the public highway.
5. The development provides space for private functions and bookings and can accommodate approximately 60-70 individuals. The appellant outlines that the appeal scheme will only host 1-2 private functions per week and that it would be operated during the hours of 09:00 -21:00 only, no alcohol would be served or permitted, no amplified music or late-night music and a restriction on the number of guests to 30.

6. The single-storey rear extension is a marquee and is significant in scale and massing due to its width and height. The cladding along the side of the development is an incongruous addition and exacerbates its scale and massing, given that it replicates the gable end of the marquee, is equal in height to the development and introduces an external material which is not prevalent within the street scene.
7. The development can be seen from multiple points along Sedgley Street. I acknowledge that there are extensions and varied external materials present in the surrounding area. However, it remains in my judgement, that for the reasons given above the appeal scheme results in unacceptable harm to the character and appearance of the surrounding area.
8. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
9. Notwithstanding this, I acknowledge that the appellant is willing to change the external materials of the development. However, given its scale and massing, I do not consider that a change of materials would result in an acceptable development. Accordingly, a condition relating to external materials would not, to my mind, overcome the harm I have identified above.
10. In conclusion, the appeal scheme results in unacceptable harm to the character and appearance of the surrounding area. It therefore conflicts with Policies D4, D7, D8 and D9 of the Wolverhampton Unitary Development Plan 2001-2011 (the UDP) and Policy ENV3 of the Black Country Core Strategy 2011 (the BCCS) insofar as they seek to ensure developments are of an appropriate scale and massing as well as assimilate with the surrounding area.

Parking Provision and Highway Safety

11. Paragraph 116 of the National Planning Policy Framework (the Framework) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.
12. The appeal scheme does not provide further parking provision and therefore it is likely that individuals using the development would generally rely upon parking provision in the surrounding area which is limited. The surrounding road network has a relatively high volume of on street parking and likely would remain at a high level for the duration of the proposed opening hours. Therefore, further stress upon parking provision in the surrounding area because of the appeal scheme, is in my judgement, likely to result in unsafe parking. This in turn would likely impact highway safety, especially given the numerous businesses in the immediate locality of No 434B and the hours of use of the development.
13. Whilst it is likely that a number of individuals using the appeal scheme might walk to the development, use public transport or shared vehicles due to its location, it remains that there is limited substantive evidence before me to adequately demonstrate the level of public transport provision in the locality. Nor is there adequate substantive evidence to demonstrate it does not result in a severe

cumulative impact on parking demand in the surrounding area. Consequently, based on the evidence before me, the appeal scheme likely results in a harmful overspill of parking onto the surrounding street network.

14. The appellant refers to providing an Event Management Plan to demonstrate how the parking will be controlled. However, an adequate Event Management Plan is not in the evidence before me, it remains, to my mind, that the appellant has not adequately demonstrated that the appeal scheme does not result in an unacceptable impact on highway safety.
15. Furthermore, even if the frequency of private functions were to be limited to 1-2 events per week, it remains that it has not been adequately demonstrated that the appeal scheme does not result in severe stress on parking provision and the wider road network in the surrounding area.
16. In conclusion, given all of the above, I consider that I need to take a precautionary approach. Therefore, I cannot be certain that the proposal would not cause unacceptable harm to the highway network and thereby highway safety. Accordingly, the appeal scheme conflicts with Policies D4, AM12 AM14 and SH14 of the UDP as well as Policy TRAN2 of the BCCS. These policies seek, amongst other things, to ensure developments provide adequate parking provision and minimise the effect of traffic on communities.

Noise and Disturbance

17. It has not been adequately demonstrated, to my mind, that the design and lightweight materials used in the development are sufficient to adequately contain noise from the use of the appeal scheme. Additionally, there is limited substantive evidence before me regarding possible acoustic insulation panels and how they could be added to the existing marquee nor the overall effect they would have upon the noise emitted from the development.
18. Considering the above, even if the development was to be limited to 30 guests, it remains that there is limited substantive evidence to adequately demonstrate that it would not result in unacceptable noise and disturbance.
19. The appeal procedure should not be used to advance proposals and therefore significant amendments to the development would be best achieved through the submission of a revised planning application.
20. Consequently, I am not satisfied that conditions would be sufficient to address the harm I have identified. However, even if, conditions were to make the appeal scheme acceptable regarding noise and disturbance the above two issues when considered together are sufficient reasons to dismiss the scheme.
21. Given all of the above, there is limited substantial evidence before me to adequately demonstrate that the appeal scheme does not result in unacceptable harm to neighbouring amenity regarding noise and disturbance. I therefore need to take a precautionary approach regarding this matter. Thus, the development conflicts with Policies D4, EP5, B4 and SH14 of the UDP insofar as they seek to ensure developments do not result in unacceptable levels of noise pollution.

Other Matters

22. The Framework outlines that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. The appeal scheme does provide employment and the appellant refers to the development supporting the long-term viability of the business. Additionally, that it provides a small-scale venue for community and family gatherings. There is limited substantive evidence before me regarding the contribution the appeal scheme makes to the viability of the business. Nevertheless, the weight I afford these benefits is not sufficient to outweigh the harm I have found.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR