



Appeal Decisions

Site visit made on 3 February 2026

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2026

Appeal A Ref: APP/D4635/W/25/3372026

195 Bushbury Lane, Former Bushbury Balti, Wolverhampton WV10 9TU

- 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 Abdullah Davoodi against the decision of Wolverhampton City Council.
 - The application Ref is 25/00539/FUL.
 - The development proposed is the erection of a canopy and fruit and vegetable stalls, a side extension used for storage, and an external staircase.
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Appeal B Ref: APP/D4635/H/25/3371075

195 Bushbury Lane, Bushbury Balti, Wolverhampton WV10 9TU.

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Abdullah Davoodi against the decision of Wolverhampton City Council.
 - The application Ref is 25/00616/ADV.
 - The advertisement proposed is the display of non-illuminated advertisements.
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Decisions

Appeal A: APP/D4635/W/25/3372026

1. The appeal is dismissed.

Appeal B: APP/D4635/H/25/3371075

2. The appeal is dismissed.

Preliminary Matters

3. The Council has amended the description of development from that seen on the application form. I have adopted the revised description of the development from the decision notice in the heading above which now refers to 'erection of' rather than 'creation of'.
4. The application form states that the development was undertaken in April 2024. I saw during my visit that the side extension, canopy, and external staircase had already been undertaken, and the advertisements have been installed in accordance with the plans before me. I have therefore considered the appeals on the basis that the development has already taken place.
5. In appeal B, the Council has drawn my attention to policies it considers to be relevant to this appeal. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy

Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of Appeal B. I have also had regard to the Framework which seeks to prevent the negative impacts of poor advertisements.

6. The Council has referred to Policy EP17 of the Wolverhampton Unitary Development Plan 2001-2011 (2006) (UDP) in its first reason for refusal on Appeal B. However, this policy relates to renewable energy and based on the evidence before me, the reason for refusal should have referred to Policy EP19 on Outdoor Advertisements. For the assessment of Appeal B, I have therefore referenced Policy EP19, as used by the Appellant in their evidence, rather than Policy EP17.

Main Issues

7. Regarding Appeal A, the main issues are:
 - the effect of the canopy, side extension and external staircase on the character and appearance of the host property and the surrounding area; and
 - whether the external staircase has a detrimental effect on the safety and security of the residential occupiers and the wider area.
8. With regards to Appeal B, the main issues are the effect of the advertisements on amenity and public safety.

Reasons

9. 195 Bushbury Lane (No195) is a two-storey, semi-detached property in retail use at ground floor and in residential use at first floor. The other half of the pair of semi-detached properties also has a commercial use at ground floor with residential above. The property is rendered and painted white. No195 is located on the corner of Bushbury Lane and Fordhouse Road in a prominent and highly visible location. The surrounding area is a mixed commercial and residential area, with industrial uses to the rear and a park opposite the site. Nonetheless, advertising signs, fascia signs and other forms of display do not feature strongly within the area. Due to the mix of uses surrounding the site and the commercial uses at ground floor, No195 makes a neutral contribution to the character and appearance of the surrounding area.

Character and appearance – Appeal A

10. The side extension is steel framed and clad in grey steel sheets. It is attached to the side of the host property and is only accessible outside of the retail unit. It is currently used for retail storage. Its materials, position and accessibility provide the side extension with the appearance of a temporary building that has been added to the side of the existing shop, rather than a long-term addition that is designed to sit alongside the host property. The materials used fail to enhance local character, are utilitarian and discordant with the host property. Consequently, due to its position on the side of the building and the materials it is constructed from, the extension appears incongruous and not well designed for longevity and fails to be visually coherent. As such, this harms the character and appearance of the host property and the surrounding area.

11. The black steel canopy structure extends to the front of the retail unit and covers the full width of the host property and the side extension. Its grey steel sheet roof provides an external covered area for retail stock.
12. Given the prominent position of No195 and the extent of the canopy, the structure is a dominant and overbearing feature to the front of the host property and the adjacent neighbouring use. Its scale and design are incongruous and harms the modest proportions of the existing building and the wider character and appearance of the surrounding area. The use of steel for both the canopy structure and the roof fails to provide a coherent composition with the host property. The canopy, therefore, fails to improve the environmental conditions of the area.
13. The black steel external staircase has been erected at the side of the property behind the side extension. Whilst the staircase fronts Fordhouse Road, due to the appeal site's position on the corner and despite the adjacent flue, it is highly visible from the junction with Bushbury Lane.
14. Nonetheless, its structure and materials are a common sight where residential properties are located above commercial ground floor uses albeit none are noted locally. The staircase, on its own, would not have a detrimental effect on the character and appearance of the host property and the surrounding area, being of modest form. However, when assessed alongside the side extension and canopy structure, cumulatively, the structures have a detrimental and harmful effect on the character and appearance of the host property and the wider surrounding area.
15. Consequently, the development within Appeal A fails to accord with Policy ENV2 of the Black Country Core Strategy (2011) (BCCS) and Policies D7, D8 and D9 of the UDP. These policies seek, amongst other things, development that protects, preserves, and enhances local character and townscape quality through appropriate design, materials and detailing and is of a human scale that relates positively to its surroundings and not appear overbearing. Policy D2 of the UDP is also referred to in the reasons for refusal. Policy D2 requires the submission of a design and access statement that justifies the proposed design in relation to the site and its wider context. However, as a design and access statement was submitted and is within the evidence before me, there would be no conflict with this policy.

Safety and security – Appeal A

16. The Council's reason for refusal, in relation to the position of the external staircase, refers to its detrimental impact on the safety and security for the resident and the area. The Council's evidence appears to suggest that this is in relation to the type of structure being more commonly used as a fire escape rather than the only access to the living accommodation. Whilst the staircase is open to the elements and would be used more frequently than a fire escape, this does not make its use impractical, nor does it harm the safety and security of the resident or the wider area. Its positioning on the side of the building in a visually prominent position, aids its security due to observation of it and the dwelling's entrance being available from the public realm.
17. Consequently, the staircase, in relation to safety and security, accords with Policy ENV2 of the BCCS and Policies D7, D8 and D9 of the UDP, the requirements of which are outlined above.

Amenity - Appeal B

18. The advertisements comprise two fascia signs that are located on the canopy and run for the width of the canopy across the front, and for the depth of the canopy on the side. Both advertisements address the Fordhouse Road and Bushbury Lane junction. Due to their size and scale, the advertisements are large, visually prominent, overbearing, and dominant to the frontage of the building. Given my findings on character and appearance in relation to Appeal A, the adverts are discordant with the host property and are detrimental to the visual interests and amenity of its surroundings.
19. Consequently, the proposal would fail to meet Paragraphs 131, 135 and 141 of the Framework which require development to be sympathetic to the local area and for a decision maker to consider its effect on amenity. The proposal would also conflict with Policies D4, D6, D7, D9 and EP19 of the UDP as material factors, which amongst other things, require that advertisements are not over dominant in the street scene or out of scale or character with the building or immediate neighbourhood.

Public safety – Appeal B

20. The appeal site is located on the corner of Bushbury Lane and Fordhouse Road. The junction includes a mini roundabout. Due to the curvature of Bushbury Lane, which bends towards Fordhouse Road; its topography and the position of the host property, the advertisements are highly prominent and visible when approaching the site.
21. However, the advertisements are non-illuminated and have no moving displays. Whilst their colour is eye-catching, they do not compete with existing road signs, cause glare, or draw your attention and eye-line from the road junction in a way that would necessitate close study or decision-making interference. Whilst I note that the Highway Authority considers that the signage would be distracting, it goes on to consider that an illuminated and/or moving sign would be a greater distraction. Consequently, the Council's evidence fails to demonstrate how or why the signage causes harm to public safety and, following my visit, I am unconvinced that the advertisements harm public safety.
22. Accordingly, the proposal accords with paragraph 116 of the Framework, which requires a decision maker to refuse development on highway grounds where there would be an unacceptable impact on highway safety. I have also noted Policies D4, D6, D7, D9 and EP19 of the UDP, which amongst other things, support advertisements that do not have a harmful effect on public safety. As I have concluded that the proposal does not cause harm to public safety, the proposal accords with these policies.

Conclusion

23. For the reasons given above and having regard to all matters raised, the proposed development would conflict with the development plan. Despite finding no harm to public safety, the harm I have identified is prevailing and both Appeal A and Appeal B should therefore be dismissed.

P Brennan (INSPECTOR)