

Appeal Decision

Site visit made on 19 September 2016

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th October 2016

Appeal Ref: APP/V4630/D/16/3156201
165 The Crescent, Walsall WS1 2DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Inderjit Singh against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 15/1867, dated 10 December 2015, was refused by notice dated 12 July 2016.
 - The development proposed is a two storey extension to side and rear to create larger kitchen/living/dining space and utility to ground floor and additional bedroom/ensuites and prayer room to first floor.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There was considerable confusion in the evidence regarding the numbering of the properties on either side of the appeal property. At my site visit I was able to confirm that the property located to the east was No 167 and the dwelling to the other side was No 163. The Council have confirmed that the reference to No 163 in the first reason for refusal is incorrect and should be No 167 and that the reference in the third reason for refusal to the impact on the kitchen window at No 167 should actually be the kitchen window at No 163. I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are the effect of the proposed extension on:
 - the character and appearance of the host property and the surrounding area; and
 - the living conditions of the occupiers of No 163 with particular regard to daylight and sunlight.

Reasons

Character and appearance

4. The appeal property is located in a traditional suburban residential area that comprises a mix of detached and semi-detached houses that are set back from the road by large front gardens. Whilst the design of the houses vary, pitched
-

front gable features, in one form or another, are a feature on the majority of the detached houses on this side of the road.

5. The appeal property has a single pitched front gable feature with timber cladding over a round bay window, and a cat slide roof over the porch and garage. The proposed extension would create a second gable feature on the front of the house. Whilst the majority of the nearby properties only have a single front gable feature, there are examples of houses with two gable features. Given the variety that exists in the design of the houses, these do not appear out of keeping. In the light of this, I am satisfied that, in itself, the creation of a second gable feature on No 165 would not appear a discordant or incongruous feature in the street scene.
6. However, and in contrast to the other houses with two gable features, the proposed gable feature does not reflect any of the architectural detailing found on the existing house and gable. As such it would not be a sympathetic addition to the host property. Moreover, the greater forward projection of this gable would make it dominate, and detract from, the original gable rather than complementing it. As a result, the proposal would be detrimental to the character and appearance of the host property, and the wider area.
7. The houses in the area are set in plots that are much longer than they are wide, and I observed that many of the houses along the road fill the majority of the width of their plots. As such the gaps between houses are often very limited. I therefore consider that what gives the spacious feel to the area is the fact that the houses have large front gardens, and the wide pavement, which incorporates a grass verge and mature trees, rather than the gaps between the properties. In addition, the variations in designs and materials means that a terracing effect is not created, despite the limited gap between many of the dwellings.
8. The *Designing Walsall Supplementary Planning Document* (adopted July 2013) indicates that to avoid the creation of a terracing effect side extensions are normally required to maintain a minimum of 0.9m to the boundary, and to set back the first floor. The proposed two storey extension would only maintain a gap of 0.2m to the boundary with No 167, and the first floor element would not be set back from the main front elevation. Notwithstanding this, as gaps between the side elevations of the houses are not a significant feature of the locality, the proposal would not appear cramped or out of keeping with the wider area. Moreover, the difference in the designs between this house and No 167 would help to ensure that a terracing effect did not occur despite the close proximity of their side elevations.
9. Nevertheless, overall I consider that the proposed extension would be detrimental to the character and appearance of both the host property and the surrounding area. Therefore it would conflict with Policies ENV2, ENV3 and CSP4 of the Black Country Core Strategy (adopted February 2011) and Policy ENV32 of the Walsall Unitary Development Plan (adopted March 2005) (UDP) which require developments to have a high quality of design that responds to, and takes account of, the character of the local area.

Living Conditions

10. The proposed two storey extension would project around 2.5m from the rear elevation of the host property, with the single storey element projecting

approximately 2m further. As the extension would extend the full width of the house it would be in close proximity to the boundaries with the adjacent properties, both of which have windows on the rear elevation at both ground and first floor levels.

11. The Council have indicated that the proposal would not breach the 45 degree code for any habitable room window on No 167, and due to the orientation of the property, would not result in any additional loss of light or overshadowing. No 163 has a single storey garage that projects beyond the main rear elevation of the house. It is indicated that this already breaches the 45 degree code from the nearest ground floor window. Whilst the garage may already reduce the amount of light received in this room to a certain extent, the greater length, height, and bulk of the proposed extension would have a significant impact on this room in this respect, and this would adversely affect the living conditions of the occupiers of this adjacent property.
12. Although the proposed extension would also cause some overshadowing, and thus reduce the amount of sunlight to the room, the location of the proposal to the north east of the dwelling means that this loss of sunlight would be limited, and consequently, in my view, would not cause adverse harm to the living conditions of the occupiers of No 163.
13. To conclude, notwithstanding the fact that I found that the proposed development would not adversely affect the living conditions of the occupiers of No 163 with regard to sunlight, it would have a detrimental impact with regard to daylight. As such, the proposed development would not accord with Policy GP2 of the UDP which requires that developments do not have an adverse impact on the environment, including by way of their effect on the daylight and sunlight received by nearby properties.

Conclusion

14. For the reasons set out above I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR