

Appeal Decision

Site visit made on 11 October 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 01 November 2016

Appeal Ref: APP/C4615/D/16/3157664

3 The Wynd, Sedgeley, West Midlands DY3 1PW

- 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 Baldev Singh against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/0852, dated 14 June 2016, was refused by notice dated 4 August 2016.
 - The development proposed is the erection of a single storey garden store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on my site visit that the development has been substantially completed. I have therefore determined the appeal on the basis that the development has commenced.
3. Although the site visit was arranged to be conducted as an Access Required Site Visit I was unable to get onto the site in the absence of the appellant or his agent. However, I was able to see enough from the rear gardens of 18 The Quadrant (No 18) and 9 Poppy Fields (No 9) to fully assess the proposal.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of No 18 and No 9 with particular regard to outlook.

Reasons

5. The appeal site is a terraced dwelling with a long rear garden. The garden store building is located at the end of the garden and is in close proximity to both side boundaries and the rear boundary. The design has a mono pitch roof the tallest part being adjacent to the rear boundary. The rear and side elevations were of exposed blockwork at the time of my site visit.
 6. Due to the sloping topography No 18 is at an appreciably lower level to the appeal site. No 18's garden tapers to a point where it meets the boundary with the appeal site. I noted at my site visit that there is a small patio and sitting out area adjacent to the rear boundary. The side elevation of the garden store is clearly apparent over the top of the boundary fence when viewed from the conservatory and garden at No 18.
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7. I acknowledge that the distance between the rear of No 18 and the garden store would appear to meet the minimum distance required in the Council's Planning Guidance Note No. 17 House Extension Design Guide (SPG 17). However, SPG 17 also states that the outlook is the range of vision which is in close proximity to the boundaries of the house and that outlook can be made worse by a difference in levels.
8. I note that a building with a height of 2.5 metres could be constructed under permitted development rights in a similar position to the garden store. At that height the garden store would only slightly project above the boundary fence. However, the difference in levels exacerbates the additional height of the garden store as constructed and taken together with its proximity to the boundary it dominates the outlook from the conservatory and garden of No 18. As a result I consider that the garden store is experienced by the occupiers of No 18 as overbearing when in their garden or conservatory.
9. The garden to No 9 is at a slightly higher level than the appeal site. Consequently the highest part of the roof only slightly projects above the level of the boundary fencing when viewed from the garden of No 9. The windows in the rear elevation of No 9 do not directly face towards the appeal site. Taking into account these factors I do not consider that the garden store adversely affects the outlook of the occupiers of No 9.
10. The exposed blockwork is unsightly but the visual appearance of the building could be enhanced by the application of render. I am satisfied that the unsightly appearance could be overcome by way of a condition requiring the side and rear elevations to be rendered and this is not a fundamental issue in this case. As such, in this respect the development would comply with Policy ENV2 of the Black Country Core Strategy which, amongst other things, requires development to preserve and where appropriate enhance local character. However, the lack of harm in relation to the character and appearance of the area does not outweigh the harm that I have identified above.

Conclusion

11. For the above reasons, I therefore conclude that the development causes material harm to the living conditions of the occupiers of No 18 with particular regard to outlook. It follows that this conflicts with Policy DD4 of the Dudley Borough Unitary Development Plan which, amongst other things, requires that there is no adverse effect upon residential amenity.
12. Having had regard to all other matters raised, it is concluded that the appeal should be dismissed.

D. Boffin

INSPECTOR