
Appeal Decision

Site visit made on 28 December 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 13th January 2017

Appeal Ref: APP/G4620/D/16/3163588
34 Harcourt Road, Cradley Heath B64 7HN

- 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 Mrs Parveen Ali against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/16/59735, dated 29 July 2016, was refused by notice dated 30 August 2016.
 - The development proposed is a ground floor front extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council requested that I viewed the appeal site from the neighbouring property to review the site levels and the effect of the proposal on the living conditions of the residents of this property. However, I considered after visiting the site and based on the evidence provided that I could view all I needed to from the rear and side garden of the appeal site.

Main Issue

3. The main issue in this case is the effect of the proposed extension on the living conditions of No 35 Harcourt Road, with particular reference to daylight, outlook and privacy.

Reasons

4. Harcourt Road is a residential street, primarily consisting of runs of red brick terraced properties with tiled hipped roofs. The houses on the southern side of the street are set significantly higher than those on the northern side. This slope and the resultant change in levels continues in the rear gardens of the houses on the northern side, which fall towards a railway line at the back of the properties. Levels also fall towards the road's junction with Halesowen Road to the east.
 5. No 34 Harcourt Road forms an end terrace house on the northern side of the road which has been previously extended to the rear. The property has a gable featured frontage, in common with No 35 to the east, which, due to the layout of the road, is also an end terrace property. A relatively small gap to allow two pedestrian side entrances to the rear of the houses is present between the two
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- properties. Due to the topography of the area, No 34 is set higher than No 35. The effect of this is significant, as evidenced by a shed belonging to No 35 which is set just inside their boundary line yet the roof of which only comes to the same height as the top of a fairly low boundary wall on the side of No 34.
6. The previous single storey flat roofed rear extension to the property extended the house for a reasonable distance to the north. The rear extension element of the proposal seeks to build on top of this extension to enlarge an existing bedroom and create a new one. The new bedroom would be served by a window to the rear, with a side window included to provide light and outlook to the extended bedroom.
 7. At present due to the levels difference the roof of the previous flat roof extension is set significantly above the adjacent rear garden of No 35. The proposed rear extension would exacerbate this issue, adding a second storey and pitched roof. Whilst, due to the orientation of the properties, direct sunlight would not be affected significantly, the effect of such a sizable extension at such proximity, when combined with the topography of the area, would result in an overbearing structure which would loom over the rear garden of No 35, adversely affecting the outlook from this area of the property and reducing daylight. Such a development would have an oppressive effect on the garden of No 35, reducing the quality of life for the residents of this house.
 8. Furthermore, the proposed new window for the extended bedroom would look over the rear garden of No 35. Whilst there is a certain degree of overlooking inevitably present in the area due to the density of housing and local topography, most such adjacent windows serve non-habitable rooms. The proposed new window would serve a bedroom and would directly overlook the rear garden of No 35 from a significant height, having an adverse effect on the neighbouring resident's enjoyment of their private amenity space.
 9. I can appreciate that the proposal would create much needed additional living space for the appellant's young family. However, whilst I have sympathy with the issue, I do not consider that it outweighs the harm that would be caused to the living conditions of the neighbouring residents that the proposal would create.
 10. I therefore conclude that the proposed extension would have an adverse effect on the living conditions of the residents of No 35 Harcourt Road, with particular reference to daylight, outlook and privacy. The proposal would be contrary to policies ENV3 of the Black Country Core Strategy, 2011, and SAD EOS 9 of the Site Allocations and Delivery Development Plan Document, 2012, which together seek to ensure high quality design is provided in the Borough, as well as to the National Planning Policy Framework, which states as a core principle that planning should always seek a good standard of amenity for all existing occupants of land and buildings.
 11. For the reasons given above I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR