

Appeal Decision

Site visit made on 1 February 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 15th February 2017

Appeal Ref: APP/C4615/D/16/3164896

131 Nanaimo Way, Kingswinford, Dudley, DY6 8RA

- 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 R Sidaway against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/0875, dated 17 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is a first floor side extension with rear dormer, front canopy and pitched roof over existing flat roof at rear.
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Procedural Matter

1. The proposal was originally described as a “side extension” on the planning application form. However, the description given on the appeal form and the Council’s decision notice is as contained in the banner heading above and I have considered the appeal on this basis.

Decision

2. The appeal is allowed and planning permission is granted for a first floor side extension with rear dormer, front canopy and pitched roof over existing flat roof at rear at 131 Nanaimo Way, Kingswinford, Dudley, DY6 8RA, in accordance with the terms of the application Ref P16/0875, dated 17 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale location plan and Drawing No: SD/16/100A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the streetscene.
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Reasons

4. The appeal property is a two storey semi-detached dwelling, which is situated on a large residential estate. The houses appear to have been constructed in the 1950's and 1960's and over the years many have been altered and extended. These include side and rear extensions, which vary in terms of their design and scale.
5. The property includes an attached flat roofed garage and flat roofed rear extension. The proposal is to build a first floor extension above the garage with a pitched roof, which would also wrap around the rear of the dwelling to form a sloping roof above the existing flat roofed rear extension. A dormer window would be constructed in the rear-facing roof plane of the extension above the garage and two roof lights would be inserted into the front-facing roof slope. In addition, a canopy with a sloping roof would be constructed across the front elevation of the dwelling. The ridge of the first floor side extension would be just above the eaves of the existing dwelling.
6. The Council considers that the side extension would be an incongruous addition to the property, being neither a single nor a full two storey extension. It argues that the proposal would be harmful to the character and to the appearance of the streetscene. As such, the Council states that the development would conflict with Saved Policy DD4 of the Dudley Unitary Development Plan and with Policy ENV2 of the Black Country Core Strategy. It also refers to the Council's Housing Extension Design Guide (Planning Guidance Note 17). These policies and guidance seek to promote local distinctiveness and to ensure that new development does not harm the character or appearance of the area in which it is located. I consider that the policies accord with the provisions of paragraphs 17 and 58 of the National Planning Policy Framework (the Framework), which requires (amongst other things) high quality design and for new development to respond to local character.
7. In support of their arguments, both parties have referred to an extension at number 157 Nanaimo Way which they consider to be similar. However, that extension is significantly larger being taller and projecting further forward than the appeal proposal. Accordingly, I am not persuaded that it is wholly comparable to the proposed extension.
8. In my opinion, whilst the proposed side extension would be visible from Nanaimo Way it would not be unduly harmful to the appearance of the dwelling; the pair of semi-detached houses (of which the appeal property forms a part); or the streetscene. It would be set-back from the main front wall of the dwelling by just under 2m, which would reduce its visual impact on the streetscene. This set-back, together with lower ridge height (compared to the existing dwelling), would also mean that the development would appear as a subordinate addition to the property. Furthermore, the angle of the roof pitch and the use of matching external materials would complement the existing building. Accordingly, I consider that the proposal would not conflict with the Development Plan or with the provisions of the Framework, as referred to above.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
10. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

11. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR