

Appeal Decision

Site visit made on 14 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/C4615/D/16/3165015

1 Rectory Gardens, Oldswinford, Dudley DY8 2HB

- 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 Derek Packham against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/1387, dated 17 January 1965 and deposited with the Council on 3 October 2016, was refused by notice dated 25 November 2016.
 - The development proposed is
 - 1) to add a first floor bedroom above a ground floor single storey kitchen extension and
 - 2) to replace a flat roof with a pitched above a rear second floor bedroom.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Although cited on the application form I understand the roof over the rear bedroom is not part of this proposal and indeed now has planning permission.
3. A revised plan (numbered 2015-170-03) was submitted during the course of the appeal. This showed the proposed works in the context of the existing house, but it also omitted the window from the rear elevation. I have determined the scheme on the basis of that plan considering no party would be prejudiced as a result.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. This modern detached house fronts onto Rectory Road with Rectory Gardens running to the side. Along much of the Rectory Gardens boundary is a tall timber fence, while a single storey extension has recently been built between that boundary and the original side wall of the house. It is now proposed to add a second floor to that single storey element.
 6. Currently Rectory Gardens has a sense of openness as one approaches its junction with Rectory Road, due to the grass verge on one side, and the distance between the pavement and the 2-storey section of the Appellant's house on the other. Although the existing ground floor extension projects to near the Rectory Gardens boundary, its height means it does not encroach unduly into the openness experienced.
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7. However, I consider that by being at first floor level the proposal would be particularly dominant and would enclose that streetscape to an appreciable degree. As a result, the works would erode the openness to an unacceptable extent and so, even though of a similar design to the existing ground floor element, they would detract unduly from the character and appearance of the surroundings.
8. The Appellant said there were 5 similar extensions within 100m, but he did not give their addresses. I noted that although 7 Rectory Road is close to its side boundary a sense of openness is maintained by the verge adjacent. Further along Rectory Road a dwelling abuts St Mary's Lane. That lane though probably had a sense of enclosure anyway due to the tall walls to either side, its narrowness and the absence of pavements, and I anticipate that the additional impact of that house was not material. Finally, 17 and 29 Rectory Road appear to be part of a comprehensive redevelopment and sit comfortably with the housing behind. I was aware of no other situations that could be deemed comparable to the one before me.
9. The Appellant also stated there were other visually dominant properties in the area such as the sizeable care home next door. That though is in a different context to his house and does not have a similar impact to these works.
10. The Council expressed a further concern that the resultant 2-storey addition on the side would extend over half the width of the frontage. However, looking from Rectory Road I consider the extension would be subservient on this property due to its set back, though that does not allay the harm cited above.
11. Finally, mindful of the omission of the rear window on the revised plan the scheme would cause no overlooking of the garden behind.
12. Accordingly I conclude the development would detract unacceptably from the character and appearance of the surrounding area, in conflict with Policy DD4 in *The Dudley Borough Unitary Development Plan*, which amongst other things seeks to ensure new residential extensions are in keeping with the surrounding area and do not harm its character.

J P Sargent

INSPECTOR