
Appeal Decision

Site visit made on 21 March 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/V4630/D/16/3163767

7 Eastbourne Street, Walsall, West Midlands WS24 2BN

- 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 Asghar Khan against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 16/0418, dated 15 April 2016, was refused by notice dated 18 October 2016.
 - The development proposed is two storey front extensions, front canopy roof, first floor rear extension with loft extension and detached garage in rear garden with a pitched roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) The effect on the character and appearance of the existing dwelling and the surrounding area;
 - (b) The effect on the living conditions of the occupiers of the adjoining dwellings at Numbers 5 and 9 Eastbourne Street with regard to privacy and outlook; and
 - (c) Whether the proposal would be of an appropriate design having regard to the safety and security of the occupiers of the appeal property.

Reasons

Character and appearance

3. The general design and styling of the appeal dwelling is in keeping with the prevailing character of the terraced and semi-detached houses in Eastbourne Street. Although there is some variation in detailed design most of the houses have a similar simple roof form, with the original chimneys still intact, and a decorative cornice at eaves level. The general arrangement of ground floor bays and front doors onto the street, together with the arrangement and proportion of windows at first floor level, provide for a strong commonality in the appearance of the properties and a clear sense of rhythm in the street scene. The use of stone cills and lintels to window and door openings also provides for a degree of uniformity in appearance.
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4. The property retains design features that make a positive contribution to its appearance and character. These include a 2 storey, square bay window, a front door incorporating a fanlight and a decorative arch above, a stone cill and an ornate lintel to the first floor window above the front door, and a decorative cornice extending across the full width of the front eaves. The simple, pitched roof and chimney also form part of the original character of the property.
5. The two storey front extension would result in the wholesale loss of most of these original features. These would be replaced by a new elevation and roof form which pay no regard to the original style and character of the building. The double gable feature would be out of keeping with the host property and would be incongruous within the simple roofscape of the properties on the west side of the street. Although the new properties at numbers 1-5 incorporate gable dormer windows these are of much more modest proportion and occupy only a small part of the front roof slope. The loss of the existing chimney would also diminish the contribution that the property makes to the street scene.
6. With no cills or lintels the window openings in the new elevation would lack definition and no attempt appears to have been made to line these new openings through with the existing window to be retained above the vehicular access doors. The poor design is also reflected in the proposed 0.2 metre (m) gap in the front elevation. This would be a distinctly odd and discordant feature. The proposed front canopy roof would also be an alien element that bears no relationship to the existing character of the property.
7. These major components of the appeal scheme are ill considered and would cause substantial harm to the character and appearance of the existing dwelling and to the street scene. The proposal conflicts with saved Policy ENV32 of the Walsall Unitary Development Plan (UDP) which states that poorly designed proposals which fail to take account of the context and surroundings of the development will not be permitted. It also conflicts with UDP Policy GP2 which requires that all development should make a positive contribution to the quality of the environment.
8. The proposal is contrary to Policy ENV2 of the Black Country Core Strategy (2011) (CS), which states that all proposals should aim to protect historic character and local distinctiveness, and ENV3, which states that development proposals should be of high quality design. It also conflicts with CS Policy CSP4 which requires that all proposals should demonstrate a clear understanding of the historic character and local distinctiveness of the area.

Living conditions

9. The existing window in the side elevation of the two storey rear outrigger is some 5.5m from the common boundary with No 5 Eastbourne Avenue. The proposal would result in a new window (W7) in much closer proximity that would provide a direct view over the patio and rear garden to No 5. The overlooking of the patio and rear garden would lead to an unacceptable loss of privacy for the occupiers of that dwelling. Such difficulties can sometimes be remedied by obscured glazing to the window. However, this would not be appropriate when the window concerned would serve a principal living space such as a bedroom.

10. The double garage would use existing side and rear boundary walls to the rear yard and would occupy much the same footprint as the existing covered storage area. However, the addition of a pitched roof with a ridge height of 4.3m would substantially increase the visibility of the garage from the rear gardens of the adjacent houses. This additional structure would appear as over-dominant and oppressive when viewed from the garden of No 9 and would have a significant adverse effect on the neighbouring residents' use and enjoyment of this private amenity space. Because of the relatively larger garden to No 5, the impact on that property would be less severe but there would be some adverse effect on the outlook from that rear garden.
11. Accordingly, I find that the proposal would cause harm to the living conditions of the occupiers of the neighbouring dwellings. For this reason the proposal fails to meet the guidance in Appendix D to the Council's Designing Walsall Supplementary Planning Guidance and conflicts with UDP Policy GP2 which seeks that development should not have an adverse impact in terms of overlooking and loss of privacy.

Safety and security

12. The proposed access to the house would be via a new side door accessed via an enlarged 'wicket' gate in the existing vehicular access doors. This entrance would be hidden from the street with a consequential loss of natural surveillance of that entrance. This would lead to a reduction in the safety and security of the occupiers of the house and an increased risk of crime. For that reason the proposal would not be of an acceptable design quality.
13. That element of the scheme conflicts with CS Policy ENV3, which states that proposals should give consideration to crime prevention measures and Secured by Design principles, and with UDP Policy ENV32, which identifies community safety and security a key issue to be considered in assessing the acceptability of the design of development schemes.
14. I accept that the semi-detached houses directly opposite the appeal property have entrance doors at the side rather than the front. However, my observations on my site visit were that the paths to each of these houses enable those doors to be seen from the street and that a good degree of natural surveillance does, therefore, exist. That would not be the case with the arrangement proposed in the appeal scheme.

Conclusions

15. For the reasons set out above I find that the appeal proposal would cause substantial harm to the character and appearance of the existing dwelling and the surrounding area. I also find that it would cause significant harm to the living conditions of the occupiers of numbers 5 and 9 Eastbourne Avenue. It would also fail to achieve a satisfactory standard of design with regard to safety and security. For these reasons the proposal conflicts with number policies within the adopted development plan. As no other policies have been drawn to my attention as being supportive of the proposal, I find that it conflicts with the plan as a whole.
16. The proposal would benefit the appellant and his family by providing additional living accommodation. However, this would be a wholly private

benefit that would not be sufficient to outweigh the harm that I have identified or the resultant development plan conflict.

17. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR