

Appeal Decision

Site visit made on 25 April 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 2nd May 2017

Appeal Ref: APP/G4620/D/17/3170040
18 Lawton Close, Rowley Regis B65 9SW

- 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 Clarke against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/16/60047, dated 15 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is a two storey side extension and front canopy.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Although in his appeal statement the appellant indicates that an application for costs will be submitted, on the appeal form it is stated that no such application has been made; and none has been provided with the appeal.
3. The scheme was amended during its consideration by the Council. In accordance with the Council's decision, my decision is based on the amended drawing no. BV/103/0A dated 11 January 2017.

Main Issues

4. The main issues are the effect of the proposal on i) the living conditions of the adjacent occupiers at no. 20 Lawton Close, with particular regard to the outlook from that property; and ii) the character and appearance of this semi-detached pair and the area.

Reasons

Living conditions

5. No. 20 Lawton Close ('No. 20') is a detached property on significantly lower ground to the east of no. 18. Owing to these dwellings' staggered siting relative to one another, no. 20 does not project as far to the rear as the rear elevation of no. 18. However, no. 20 has planning permission for a two storey side extension and a single storey rear extension (Ref: DC/15/58588) ('permitted scheme'). Those extensions have not been implemented.
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6. The proposed side extension at no. 18 would abut the boundary with no. 20. As it would also project at two storeys to the rear, it would result in a long, unalleviated flank wall along the common boundary. Given the extension's height, no. 18's significantly higher ground level, and the staggered siting of these two dwellings, that wall would have an imposing and overbearing impact when viewed from those parts of no. 20's outdoor space closest to it. Although no. 20's single storey rear projection and its closest first floor rear window are set in from the common boundary, for the same reasons there would be a similar adverse impact viewed from those locations.
7. The context of this proposal would change should the permitted scheme be constructed. That would bring the dwelling at no. 20 up to the common boundary, and would extend it further to the rear at ground floor. Nevertheless, given the proximity of the nearest rear-facing first floor bedroom window in the permitted scheme to this proposal, and with regard to this proposal's height and depth, and the difference in levels, there would be an enclosed and restricted outlook from that habitable room. From the limited evidence before me, I am however unable to conclude whether there would be poor living conditions in that room due to inadequate light.
8. Policy ENV3 of the Black Country Core Strategy 2011 ('BCCS') and policy SAD EOS 9 of the Sandwell Site Allocations and Delivery DPD 2012 ('SSAD') require, in general terms and amongst other matters, that proposals should be to a high quality design and compatible with their surroundings. More specifically, section 'y' of the Sandwell Revised Residential Design Guide Supplementary Planning Document 2014 ('SPD') states that extensions should not unduly impact on neighbouring properties.
9. I note that no objections were raised by the owners of no. 20, and the appellant states that discussions have been held with them to carry out a collective foundation dig. However, in my view, the scheme would conflict with that SPG objective, and, on this issue, with the general approach set out in the above policies.
10. The appellant has referred me to a permitted extension at 11 Falfield Close, and has provided various calculations comparing its floor area to this proposal. However, having regard to that detached dwelling's siting and relationship to its neighbours, and levels, I am not persuaded that the impact of that scheme's gable wall or its rear projection on adjacent living conditions is directly comparable to this scheme. In any event, that scheme does not change my conclusions regarding the harm that this proposal would cause.

Character and appearance

11. Many of the dwellings in Lawton Close are staggered relative to one another, and some have side extensions, as referenced at paragraph 2.13 of the appellant's statement. Some of those are set back or set down from the host property, and others are not. Some also have front projecting porches or canopies. The permitted scheme shows that no. 20's first floor set back would be similar to this proposal, and that its roof would not be set down.
12. Consequently, whilst the upper section of this scheme would be set down only very slightly from the host's ridge, and set back only very slightly from its front face, in the context of the varied form of nearby extensions, that would not

significantly harm the streetscene. Additionally, the stepped height and staggered siting of many of the dwellings in Lawton Close limits the extent to which the dwellings here are viewed as a cohesive group.

- 13.No. 16 Lawton Close does not have a two storey side extension. In that regard, the proposal, including the front canopy, would partly disrupt the symmetry of this semi-detached pair. However, the proposal would be faced with matching materials and, viewed from the front, its two storey form would broadly respect the form of the pair. As a result, and in the context of other nearby extensions and the wider characteristics of Lawton Close, that impact on this pair would not significantly harm the streetscene, or the local area's character.
- 14.Consequently, on this issue, the scheme would not conflict with BCCS policy ENV3, or SSAD policy SAD EOS9. As it would be visually in keeping with its surroundings, and broadly in proportion to the scale of the existing dwelling and the streetscene, on this issue the scheme would also comply with the guidance at part 'y' of the SPD.

Conclusions

- 15.Summing up, whilst the scheme would reduce the symmetry of this semi-detached pair, that would not cause significant harm to the streetscene, or to the character and appearance of the area. However, the scheme would result in poor living conditions at no. 20 Lawton Close, whether or not the permitted scheme there is implemented.
- 16.In reaching my decision I have had regard to the comparative floorspace and percentage figures for this proposal and the schemes at no. 20 Lawton Close and no. 11 Falfield Close, but, having regard to the site circumstances here, they do not change my conclusions on the two main issues.
- 17.I recognise that the proposal would provide additional accommodation to meet the needs of the appellant and his family. However, that benefit does not outweigh the harm that I have found. Although the appellant cites the presumption in favour of sustainable development in the National Planning Policy Framework, given that the proposal would not result in a good standard of amenity for the neighbouring occupants, that does not apply here. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR