

Appeal Decision

Site visit made on 27 April 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 11th May 2017

Appeal Ref: APP/V4630/D/17/3170590
49 Whitethorn Crescent, Streetly, B74 3SA

- 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 Nick Edwards against the decision of Walsall Council.
 - The application Ref 16/1568, dated 18 October 2016, was refused by notice dated 30 December 2016.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of No 51 Whitethorn Crescent, with regards to outlook.

Reasons

3. The appeal property is a semi detached dormer bungalow. It is located in a residential area, characterised by similar dormer bungalows, as well as detached and semi-detached two storey dwellings.
 4. The appeal property, like other houses in the street, is set back from the road behind a parking area and garden, and has a larger garden to the rear. The appeal property has a single storey extension to the side, which extends to its boundary with No 51 Whitethorn Crescent. A narrow driveway runs alongside this boundary, separating the side of No 51 from the appeal property.
 5. During my site visit I noted that, whilst many houses have been altered and or extended, such changes tend to be in keeping with their surroundings and generally maintain the sense of spaciousness characteristic of the area.
 6. Also during my site visit, I observed the appeal property from the ground floor kitchen window to the side of No 51. Whilst the existing side extension to the appeal property is close by, its low height, combined with No 51's slightly higher elevation, means that the appeal property does not appear overly dominant in the outlook from No 51's kitchen. Rather, the presence of space above the side extension allows for glimpses of the sky and for a sense of spaciousness.
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7. By way of contrast, the proposed two storey side extension would effectively fill the space above the existing single storey extension and would result in the presence of a tall and imposing wall in very close proximity to the side of No 51. I find that this combination of scale and proximity would unduly dominate the outlook from the kitchen window to the side of No 51, such that the existing sense of spaciousness would be replaced by a development that would appear so tall and close as to be overbearing.
8. Taking the above into account, I find that the proposed development would harm the living conditions of the occupiers of No 51 Whitethorn Crescent. This would be contrary to the Framework, UDP¹ policies 56, 57, 58 and 64, and the Council's Supplementary Planning Document "Designing Walsall 2008. Revised 2013)," which together amongst other things, seek to protect residential amenity.

Other Matters

9. The appellant, in support of his case, notes that the occupiers of No 51 have not objected to the proposal. However, the absence of objection is not the same thing as support and in any case, I have found that the proposal would result in harm, leading to the decision below.
10. The appellant, also in support of his case, refers to other extensions nearby. However, there is nothing to demonstrate that the circumstances of each of these are the same as those relating to the appeal before me. Notwithstanding this, as above, I have identified harm and this is not a factor overcome by the presence of other developments elsewhere.

Conclusion

11. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Walsall Unitary Development Plan (2005).