The Planning Inspectorate

Appeal Decision

Site visit made on 19 April 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/V4630/D/17/3168769
2 Milestone Way, Coppice Farm Estate, Willenhall, West Midlands, WV12 5YB

- 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 Ricky O'Sullivan against the decision of Walsall Council.
- The application Ref 16/1255, dated 6 August 2016, was refused by notice dated 28 October 2016.
- The development proposed is two-storey extensions to both sides.

Procedural Matter

1. The description of the appeal development stated above is taken from the planning application form. However the Council's decision notice and the appeal form both contain different descriptions. In my opinion, the Council's decision notice provides a more accurate description and, therefore, I have based my decision and considerations on this appeal accordingly.

Decision

2. The appeal is dismissed insofar as it relates to the two-storey extension on the right-hand side, when looking at the property from Milestone Way. The appeal is allowed insofar as it relates to the part two-storey/part first floor extension on the left-hand side of house and planning permission is granted for the part two-storey/part first floor extension on the left-hand side of house at 2 Milestone Way, Coppice Farm Estate, Willenhall, West Midlands, WV12 5YB, in accordance with the terms of the application Ref 16/1255, dated 6 August 2016 and the plans submitted with it, so far as are relevant to that part of the development hereby permitted and 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: Existing Plan and Elevations 01; Proposed Plans 02; Proposed Elevations 03; and Existing and Proposed Site Plans 04.

    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.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no side-facing windows or doors shall be inserted into the extended part of the dwelling other than those expressly authorised by this permission.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a detached two-storey modern dwelling, which is situated in a corner location at the junction of Milestone Way and Essington Road. It is partially screened by tall hedging and vegetation which has been planted along the side boundary with Essington Road.

5. Planning permission has recently been granted by the Council for extensions on both sides of the dwelling (ref: 15/10033/FULL). I have taken this into account in reaching my decision.

6. The appeal proposal comprises two distinct elements. A two-storey extension is proposed on the right-hand side of the dwelling, between the side wall of the dwelling and its boundary with Essington Road. In addition, a part two-storey/part first floor extension is proposed above and at the rear of an existing single-storey section of the dwelling, on its left-hand side. The extensions would provide additional lounge, bedroom and kitchen accommodation at the property.

7. Saved Policies GV2 and ENV32 of the Council's adopted Unitary Development Plan (UDP) generally seek to ensure (amongst other things) that all development makes a positive contribution to the area; and to prevent poorly designed development. In particular, Policy ENV2 states that proposals will be assessed against their appearance and visual relationship with the street and surrounding neighbourhood. Further guidance is contained in the Council's Supplementary Planning Document – Designing Walsall (SPD). I consider that the policies and guidance accord with the provisions of the National Planning Policy Framework (the Framework), which contains similar requirements (paragraphs 17 and 58).

8. The Council does not object to the proposed extension on the left-hand side of the dwelling. In my opinion, that extension would be relatively modest in size and would have little impact on the character and appearance of the property or the streetscene. Accordingly, it would not conflict with the UDP or with the Framework, as referred to above.

9. However, the proposed two-storey extension on the right-hand of the dwelling would add significantly to the size of the property. Although it would be set back from the side boundary and would be partially screened by the existing vegetation along the Essington Road frontage, it would still be highly visible from both directions because of its height and width. Notwithstanding the evidence put forward by the appellant in respect of building lines, in my view the proposal would appear incongruous and at odds with the layout and

positioning of buildings along this section of Essington Road, which are generally set back further from the highway than the proposed extension.

10. Furthermore, I have compared the current proposal with that granted planning permission by the Council on 16 November 2015. Whilst the approved extension on the right-hand side of the property would be positioned closer to Essington Road than the existing building, it is narrower and less bulky than the appeal proposal. Consequently, it would have less spatial or visual impact than the appeal development.

11. I have also taken into account other similar extensions in the locality that have been brought to my attention. However, I have dealt with the appeal proposal on its own merits, having regard to its location and position in relation to the streetscene.

12. I therefore consider that the proposed extension on the right-hand side of the appeal property would be unacceptably harmful to the character and appearance of the area. It would also fail to accord with the relevant policies of the UDP and with the Framework, as referred to above.

Conditions

13. 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.

14. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

15. The Council has also suggested that a condition should be imposed to prevent the installation of side-facing windows and doors, other than those shown on the approved plans. I consider that such a condition is reasonable and necessary, in order to maintain the privacy of the neighbouring residents at number 4 Milestone Way.

Conclusion

16. For the above reasons, it is concluded that the appeal should be dismissed regarding the two-storey extension on right-hand side of the dwelling. In relation to the part two-storey/part first floor extension on the left-hand side of the house, the appeal is allowed.

Ian McHugh

INSPECTOR