
Appeal Decision

Site visit made on 2 May 2017

by B Bowker Mplan MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/C4615/W/16/3159433
30 Clifton Street, Stourbridge DY8 3XT

- 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 C Worrall against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/0246, dated 17 April 2016, was refused by notice dated 25 July 2016.
 - The development proposed is ancillary building (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for ancillary building, at 30 Clifton Street, Stourbridge DY8 3XT, in accordance with the terms of the application Ref P16/0246, dated 17 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1250/1, Block Plan 500/1, Proposed Elevations and Floor Plan W/01/16.
 - 2) The building hereby approved shall not be sold off or sub-let separately from the main dwelling and shall be used for purposes ancillary to the main dwelling only.
 - 3) Within three months of the date of this decision, details of a black flue, including its finish, shall have been provided in accordance with details that have been approved in writing by the local planning authority. The development shall be carried out and completed in accordance with the approved details and retained as such thereafter.

Preliminary Matters

2. The Council in its decision notice gave its approval for the erection of the outbuilding and wooden garage but refused permission for the flue sited on the approved outbuilding.
3. Under section 78 of the TCPA, I may deal with the application as submitted. However, based on all I have seen and read, I have no reason to disagree with the Council's acceptance of the outbuilding and wooden garage. Consequently, my consideration of the appeal focuses solely on the proposed flue.

Main Issues

4. The main issues are the effect of the proposal on the:
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- The living conditions of occupants at 18 Heathfield Gardens, with particular reference to outlook; and,
- Character and appearance of the surrounding area.

Reasons

Living Conditions

5. No 30 Clifton Street is a two storey detached building with a ground floor hairdressers and residential apartments above. During my site visit I saw that the single storey timber outbuilding with flue has already been built and is located towards the end of the rear garden at No 30. The flue is sited in a central location on the flat roof of the outbuilding.
6. The Council raise concern that the siting and height of the flue would harm the amenity of occupants at 18 Heathfield Gardens. I also note comments made by occupants at No 18. However, the modest single storey height of the outbuilding at No 30 and the intervening boundary fence ensure that the flue is not overly dominant in appearance. In addition, the outlook from this vantage point includes the rear of properties at Clifton Road which have a relatively utilitarian appearance. In this context, the flue is not stark in appearance.
7. Moreover, the slender design of the flue compared with commercial sized flues ensures that it does not appear discordant in a residential context. However, I agree with the Council that the finish of the flue creates glare and increases its visibility. Therefore a condition, to secure a black finish/flue based on comments made by the appellant, is necessary.
8. Whilst the addition of the flue has altered the outlook for occupants at No 18, I cannot conclude that the change in outlook is materially harmful and therefore a basis upon which to dismiss the appeal. As the flue is obscured by adjoining outbuildings, established hedgerows and vegetation, the proposal does not harm the outlook of neighbours at properties to the north and south of the site.
9. Therefore the proposal does not have a harmful effect on the living conditions of occupants at 18 Heathfield Gardens, with particular reference to outlook. Consequently the proposal would meet the requirements of saved Unitary Development Plan (UDP) Policy DD4 which seeks to ensure development does not have an adverse effect upon residential amenity.

Character and Appearance

10. The flue is visible from an area of public realm to the north of Heathfield Gardens. However, as reasoned above, views from this vantage point include the rear of properties at Clifton Street which are more utilitarian in appearance. The siting of the flue on a modest single storey height building and the intervening boundary fences and walls reduces the visibility of the proposal.
11. As outlined in the preceding main issue, the width of the flue is domestic in scale. Consequently, views of the flue are not incongruous in its residential context. In addition, a condition relating to the finish of the flue would make it a more discrete feature when viewed against the backdrop of properties. Owing to the position of No 30 and the layout of surrounding semi-detached dwellings, views of the flue from Clifton Street are limited.

12. Therefore the proposal does not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal meets the requirements of saved UDP Policy DD4 which seeks to ensure development is of a scale and nature in keeping with the surrounding area and does not have an adverse effect on local character.

Other Matters

13. Concern has been raised regarding the effect of the flue on the living conditions of adjoining neighbours by virtue of smoke. However, based on the comments from the Council's Environmental Health Officer, dismissing the appeal on this basis would be unjustified.

Conditions

14. A condition specifying the relevant plans is necessary in the interests of certainty. A condition relating to the use of the outbuilding suggested by the Council is necessary in the interests of the living conditions of neighbours. A condition relating to the finish of the flue is necessary based on my reasoning above and within a 3 month time period as suggested by the Council.

Conclusion

15. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the noted conditions.

B Bowker

INSPECTOR