
Appeal Decision

Site visit made on 9 June 2017

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

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

Decision date: 04 July 2017

Appeal Reference: APP/G4620/D/17/3173548

3 Basons Lane, Oldbury B68 9SQ

- 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 A Gill against the decision of Sandwell Metropolitan Borough Council.
 - The application (reference DC/17/60237, dated 25 January 2017) was refused by notice dated 22 March 2017.
 - The development proposed is described in the application form as a “two storey side extension”.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether the proposed development would cause unacceptable harm by having an overbearing effect on and causing a loss of outlook from the neighbouring property).

Reasons

3. The appeal site lies within the built up area of Oldbury, in the wider conurbation that surrounds Birmingham. Basons Lane itself is a predominantly residential location and the immediate vicinity is characterised by terraced and semi-detached properties in conventional forms. Number 3 Basons Lane is one of a pair of semi-detached houses, constructed of brickwork under a tiled roof, with a large garage and shed attached to one side of the house. It is set back from the road frontage but with a rather small back garden.
4. Immediately to the south-west of the appeal site, the house at number 1 Basons Lane is one of a pair of semi-detached houses that face the junction of Basons Lane and Dogkennel Lane. Thus, its back garden, which is also rather small, adjoins the side boundary of the appeal site.
5. It is now proposed that the garage and shed at number 3 Basons Lane should be removed and replaced by a two-storey side extension to the house. On the ground floor, the proposed extension would occupy the whole width of the site and would project forward of the main front elevation. Thus it would extend the ground floor living accommodation by the addition of a new lounge and

- kitchen, together with ancillary space. The first floor would be set back from the front elevation but would extend almost the whole depth of the existing first floor. It would also be inset from the side boundary, however, covering only approximately half the width of the ground floor extension.
6. Among other things, the 'National Planning Policy Framework' emphasises the aim of "requiring good design" in the broadest sense (notably at Section 7) and it points out the importance of creating an attractive streetscape and maintaining the overall quality of the area. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities. Indeed, paragraph 17 of the 'National Planning Policy Framework' identifies as a "core planning principle" the need to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
 7. An emphasis on the importance of good design is also to be found in the Development Plan, notably at Policy ENV3 of the 'Black Country Core Strategy' (adopted in February 2011), which deals with "Design Quality", and in Policy SAD EOS 9 of the 'Site Allocations and Delivery Development Plan Document' (adopted in December 2012), which deals with "Urban Design Principles".
 8. The Council's Supplementary Planning Document entitled 'Revised Residential Design Guide' (adopted in January 2014) is also relevant, though it does not have the same force as Policies in the Development Plan. Among other criteria, it includes a requirement for a *"minimum separation distance of 14 metres between opposing one and two storey gables and rear facing windowed elevations"*.
 9. The scheme which is the subject of this appeal would introduce a long flank wall at first floor level, facing the rear of the neighbouring property at number 1 Basons Lane. That house has itself been extended at the rear, at some time in the past, and it has a narrow garden. It is not necessary, of course, to apply the 14 metres criterion as a strict rule but, in this case, the garden and rear elevation of the neighbouring house would be dominated by the flank wall of the proposed extension to number 3 Basons Lane, due to its proximity and overall length, in combination. Thus, the neighbours' outlook would be seriously affected.
 10. In short, because of the length of the proposed new flank wall at first floor level (in spite of the fact that it would be set back from the boundary), the scheme which is the subject of this appeal would cause real harm to the amenities of neighbours at number 1 Basons Lane. Thus, the project would conflict with national and local policies that are aimed at achieving good design standards and protecting residential amenities.
 11. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. Nevertheless, I am convinced, on balance, that the harm that would be done to the neighbours' amenities outweighs the benefits of the project.
 12. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that

have been raised in the representations, including the fact that some more limited works could be carried out without the need for planning permission, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR