

Appeal Decision

Site visit made on 10 August 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 23 August 2017

Appeal Ref: APP/V4630/D/17/3177956

4 Charlemont Road, Walsall WS5 3NG

- 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 Balwant Singh against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 17/0143 was refused by notice dated 28 April 2017.
 - The development proposed is described as the erection of side extension over garage and single storey rear extension to create orangery.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development, firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 2 Charlemont Road with particular regard to outlook, visual impact and light.

Reasons

3. The appeal property is a mainly 2-storey detached dwelling of individual design with a garage at the side within a predominantly residential area. It faces Charlemont Road along which properties vary in style, scale and appearance.
 4. The proposal includes a first floor extension at the front and side of the appeal dwelling above a slightly enlarged garage. This element of the appeal scheme would result in a significantly larger property with extended 2-storey front and rear elevations, with a new gable feature that would be a significant and prominent feature when seen from the highway.
 5. In views from Charlemont Road, the new gable in particular would draw the eye, as it would be noticeably wider and larger at first floor level than the existing 2-storey gable in the front elevation. The outward projection of the new gable from the main front wall and the inclusion of a first floor window that would contrast in shape and size to that in the existing gable would accentuate these differences. In doing so, the new gable would visually compete with, and relate uneasily to, the existing gable, which is a distinctive feature of the existing dwelling. Furthermore, with two large gable features close together to
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one side of the front façade, the principal elevation of the finished building would appear unbalanced.

6. Taken together, the proposal would unduly compromise the style and form of the host building notwithstanding the introduction of mock Tudor detailing that would provide some visual continuity between the new and existing gables. The main outcomes would be that the finished dwelling would be obtrusive in the street scene to which No 4 belongs and detract from the visual character of the local area even among the varied built form within it.
7. The properties on either side of the site both include gables, to which the appellant has referred and provided photographs. However, to reiterate, it is the awkward relationship between the proposed side extension and the host building that is objectionable in this instance. Having assessed the appeal scheme on its own merits, I find it to be an incompatible form of development.
8. On the first main issue, I conclude that the proposed side extension would cause significant harm the character and appearance of the host building and the local area. Accordingly, it conflicts with Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy (CS), Policies GP2 and ENV32 of the Walsall Unitary Development Plan (UDP) and the Council's Supplementary Planning Document, *Designing Walsall* (SPD).
9. These policies and guidance seek to ensure that new development preserves and enhances local character and positively contributes to the quality of the environment. For the same reasons, the proposal would be contrary to the National Planning Policy Framework (the Framework), which emphasises the importance of securing high quality design and states that development should respond to local character and add to the overall qualities of an area.

Living conditions

10. The sidewall of the new single storey rear extension would be broadly parallel with the shared boundary with the adjacent property to one side of the site, which is 2 Charlemont Road. As this part of the new development would project above the tall brick wall and fence that marks the common rear boundary between the site and No 2, the upper part of the new addition would be evident from some of the rear windows and back garden of this neighbouring property.
11. Even so, the new rear extension would be modest in height and set back from the shared boundary with the site. The main direction of outlook from the nearest ground floor windows of No 2, which would be towards the back garden of this neighbouring property, would be largely unaffected. From the side facing windows at the rear of No 2, only the top of the new extension and the glazed lantern roof light would be visible some distance away.
12. There would be some loss of natural light to the rear of No 2 during the later part of the day caused by the overshadowing effect of the proposed rear extension situated just to the west. Nevertheless, daylight and sunlight reaching the back of No 2 and its rear windows in particular would already be heavily influenced by the existing appeal dwelling and the boundary wall and fence that separates it from No 2. Taking these considerations into account, I am not convinced that the additional loss of light would be so great as to

significantly harm living conditions. Consequently, a breach of the 45-degree code, which is an imaginary line drawn at that angle from the nearest window of No 2, would not in itself justify a refusal of planning permission. That is because the main purpose of applying the 45-degree code, which is to ensure that development does not seriously affect the outlook and daylight of adjacent properties, would not be infringed.

13. To sum up, the proposed rear addition would be evident from the rear of No 2. However, its length, height or position would not cause the proposal to be overbearing, dominate outlook or to significantly reduce light. Hence the living conditions of the occupiers of No 2 would not be materially reduced. As such, I find no material conflict with CS Policies CSP4, ENV2 and ENV3, UDP Policies GP2 and ENV32 and the Council's SPD insofar as they aim to safeguard residential amenity. The appeal scheme would also adhere to a core principle of the Framework, which is to always seek to secure a good standard of amenity for all occupiers of land and buildings. This finding does not outweigh the harm that I have identified in relation to the first main issue.

Conclusion

14. Overall, for the reasons given above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR