
Appeal Decision

Site visit made on 21 August 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 31st August 2017

Appeal Ref: APP/C4615/D/17/3178993

2 Caernarvon Way, Dudley, West Midlands DY1 2TR

- 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 Mitch Mole against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P17/0651, deposited with the Local Planning Authority on 5 May 2017, was refused by notice dated 16 June 2017.
 - The development proposed is 1st floor bedroom extension above existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for 1st floor bedroom extension above existing garage at 2 Caernarvon Way, Dudley, West Midlands DY1 2TR in accordance with the terms of the application, Ref P17/0651, deposited with the Local Planning Authority on 5 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 17/2CW/03a; Existing Plans 17/2CW/P/1; Proposed Plans 17/2CW/P/2.
 - 3) The external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposal on both the character and appearance of the host property and local area, and on the living conditions of the occupiers of No 14 Gainsborough Place, with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site is located within an estate of reasonably modern detached and semi-detached houses located on modestly sized plots. Those dwellings fronting onto Caernarvon Way fill much of the width of their plots and have short front gardens. As such this is a suburban environment of reasonable density, though the generous road widths provide a degree of spaciousness overall. Whilst there is some variety in the size and configuration of these dwellings, the regularity of style and materials gives a consistency of appearance overall.

4. The proposed first floor extension over the double garage to the side of the appeal property would increase the width and bulk of this building in the local street scene. However, the extension has been designed to a large degree to mirror the appearance of the existing first floor of this dwelling, incorporating a front facing gable and complementary detailing. As such it would provide a sense of symmetry and balance to this building.
5. Dwellings of comparable width, including those which appear to have been similarly extended over double garages at first floor level, are a common feature of the local area. In this context the extended dwelling would not appear unusually wide or out of place in the local street scene.
6. On this matter I conclude that the proposal would not have a detrimental effect on the character and appearance of the host property or local area. In this respect it would comply with the Dudley Borough Development Strategy 2017 (DS) Policy S6 which requires development to respond to local character and appearance, including the use of appropriate materials. It would also comply with the Planning Guidance Note No 17: House Extension Guide (PGN) which requires extensions to relate to the character of the original house.

Living conditions

7. No 14 Gainsborough Place, directly to the east of the appeal dwelling, has a stepped rear building line. At its closest there would be a separation gap of 11.7-12m between the side of the appeal property and the closest point of the rear elevation of this neighbouring property. The proposal would therefore breach the requirement set out in the PGN that the minimum distance between rear facing windows of one property and the two storey wall of another should be 14m. In this sense the proposal would affect the outlook from the rear facing and single aspect ground floor dining room and what I assume is a first floor bedroom at No 14 Gainsborough Place.
8. Section 38(6) of the Act¹ requires appeal decisions to be made on the basis of the development plan. Whilst not noted on the Council's decision notice, DS Policy L1 is of direct relevance to this case. This states that extensions to dwellings will be permitted providing that the development is appropriate to the locality and would not cause unacceptable harm to the amenities of occupiers of neighbouring dwellings, including harm arising from loss of outlook.
9. I have already noted that this estate is of reasonable density. Whilst I accept that separation distances at corner locations such as this generally meet the PGN standard, the spatial character of this area is such that closer relationships between such properties are in evidence. Therefore, whilst I accept that the PGN standard is a material consideration, my view is that the separation distance proposed in this case would be commensurate with spatial standards elsewhere in this estate.
10. Therefore, whilst I accept that the resulting gap would be modestly below standard for around half the width of the rear elevation of No 14 Gainsborough Place, the other half would meet this standard. Overall it would be reasonably sized and would not cause an unacceptable degree of harm to the rear outlook of the occupiers of this property. In this sense the proposal would comply with the requirements of Policy L1.

¹ Planning and Compulsory Purchase Act 2004

Conclusion

11. In this case I have found that the proposal would not cause unacceptable harm in terms of either its effect on the character and appearance of the host property and local area, or on the living conditions of the occupiers of No 14 Gainsborough Place in terms of outlook. Therefore, as material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal should succeed.
12. This is subject to a condition specifying approved plans as this provides certainty. A condition requiring materials to match the existing building is also required in the interests of the character and appearance of the host building and local area.

AJ Mageean

INSPECTOR