
Appeal Decision

Site visit made on 3 October 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 9th October 2017

Appeal Ref: APP/C4615/D/17/3180240

21 Stanton Avenue, Woodsetton DY1 3RR

- 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 Ian Palmer against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P17/0366, dated 5 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 21 Stanton Avenue, Woodsetton DY1 3RR in accordance with the terms of the application, Ref P17/0366, dated 5 March 2017, 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: Site Plan Ref 4936/16; and Proposed Plans and Elevations Ref CA-120-02a.
 - 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 Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no additional openings shall be formed in the side elevation (facing No.19 Stanton Avenue) of the development hereby permitted without the prior written approval of the local planning authority.

Procedural Matter

2. The appellant refers to an amended plan, which was submitted during the application process. The Council's decision notice does not refer to the amended plan and it appears that it was not taken into account. It is important that what is considered by the Inspector is essentially what was considered by the Council, and on which the views of interested people were sought. To accept changes at the appeal stage may lead to prejudice to third parties. Consequently, I have not taken the amended plan into account in my determination of the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host dwelling, the semi-detached pair and the wider area.

Reasons

4. The appeal property is a semi-detached house sited on a turning circle at the head of a cul-de-sac. It is located in a residential area characterised by similar development. I saw from my site visit that other houses in the vicinity had been extended by a variety of single and two-storey side extensions, with the result that the street scene is not uniform but has evolved over the years.
5. The house has an existing single-storey side extension, which extends up to the side property boundary. The plot is wedge-shaped and is wider at the rear than the front, although overall it is relatively spacious. The proposed development is a first floor extension over that existing at ground floor level. It would project from the corner of the original house at an angle and would have a hipped roof. The irregular shape of the extension is dictated by the shape of the plot and the existing extension. The proposed materials are painted render walls with matching roof tiles.
6. The shape of the extension is such that its rear elevation would be wider than the original house. When viewed from the rear the extension would be a dominant addition, however, it would not be visible in the street scene. The garden is well-screened and views towards the rear of the house are limited.
7. The front wall of the extension would not be set back from the front of the building but would be angled forward. In this respect the development would not reflect the guidance of the Council's Planning Guidance Note No 17 'House Extension Design Guide.' Nonetheless, the extension would have a lower ridge height and the front elevation would be of an appropriate scale. Although the gradual widening of the extension would be evident from the front, the house is located on a curve at the end of the cul-de-sac and there is no obvious building line. The house itself is set slightly back from the adjoining pair of semi-detached houses (Nos 17-19) and is not highly visible in the street scene. Therefore, the extension would only be visible in views directly to the front of the house and for a short distance along the road. Consequently, the extension would not appear overly dominant in views from Stanton Avenue or the wider area.
8. The Council is concerned that the proposal would upset the balance of the pair of semi-detached houses. The side extension already affects the balance to a certain extent, but as explained above, views of the pair of houses are limited. The shape and design would be unusual, but the roof pitch would reflect the character of the host dwelling and the lower ridge height would ensure that the extension would be subordinate in views from the front.
9. To conclude on this matter, I find that the development would not have an adverse effect on the character and appearance of the host dwelling, the semi-detached pair or the wider area. Therefore, it would accord with Policies L1 and S6 of the Dudley Borough Development Strategy (adopted March 2017) and Policies ENV2 and ENV3 of the Black Country Core Strategy (adopted February 2011) which, in combination, seek to protect and where possible enhance the character and visual amenity of the surrounding area.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provide certainty. I have also imposed a condition to ensure the materials of the extension match the existing house. I have imposed the Council's suggested condition to ensure no windows are inserted in the side elevation to protect the privacy of adjoining occupiers.

Conclusion

11. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector