

Appeal Decision

Site visit made on 26 September 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 16 October 2017

Appeal Ref: APP/G4620/D/17/3180439

3 Jervoise Lane, West Bromwich, B71 3AR

- 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 Mrs Satya Devi against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/17/60557 dated 25 April 2017 was refused by notice dated 8 June 2017.
 - The development proposed is a two storey side extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the living conditions of the occupiers of No. 5 Jervoise Lane with reference to outlook and daylight, and (2) the character and appearance of the host property and the area.

Reasons

Living Conditions

3. The appeal property is a semi-detached dwelling which is situated on the northern side of Jervoise Lane. The properties are positioned close together with the single storey garage of the appeal property adjoining the garage on the neighbouring property at No. 5. There is also a difference in site levels along Jervoise Lane with the appeal site being situated at a higher level than No. 5.
 4. The proposal seeks permission for a two-storey side with a single storey rear extension. The two-storey side extension would have the same width as the existing two storey dwelling and would extend up to the common boundary with No. 5. The single storey extension would be positioned to the rear of the existing dwelling as well behind the proposed two storey side extension. The neighbouring property at No. 5 has a kitchen window on its side elevation which faces the appeal dwelling. Given the scale and mass of the two-storey extension and its elevated positioning in close proximity to No. 5's kitchen window, where it would be only around 3m away, it would have a significant
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detrimental effect on this neighbouring property's outlook and on the daylight received to this window.

5. I therefore conclude that the proposal would have a detrimental effect on the living conditions of the occupiers of No. 5 Jervoise Lane with reference to outlook and daylight. The Council have not referenced any development plan policies in relation to this reason for refusal. The proposal would however conflict with the National Planning Policy Framework which seeks at Paragraph 17, for amongst other matters, a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

6. The two-storey side extension would be constructed in line with the main front elevation of the house and its roof would also be the same height as the existing dwelling. As such, it would fail to be subservient to the host building. I note the level difference between the appeal site and No. 5, where this difference would continue to enable these two properties to appear as semi-detached dwellings. Nevertheless, given the proposed built form, the proposal would appear as a dominant addition and would not be a sympathetic addition to the appeal dwelling.
7. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the host property and the area. It would be contrary to Policy ENV3 of the Black Country Core Strategy and Policy SAD EOS 9 of The Site Allocations and Delivery Development Plan Document, which seek, amongst other matters, high quality design. It would also conflict with the Council's Revised Residential Design Guide Supplementary Planning Document, which requires, amongst other matters, extensions to be in proportion to the scale of the existing dwelling.

Other Matter

8. I note that part of the proposal is to provide accommodation for a disabled person. Whilst I sympathise with this need, I do not consider that it would justify the harm that would arise in respect of the main issues.

Conclusion

9. For the reasons given above and having taken into account all other matters raised, including access and party wall matters, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR