

Appeal Decision

Site visit made on 22 July 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/G4620/D/19/3230384
70 Phoenix Street, West Bromwich B70 0AA

- 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 Mohammed Islam against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/19/62930, dated 5 March 2018, was refused by notice dated 20 May 2019.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the occupiers of No. 68 Phoenix Street with particular regard to outlook and access to natural light.

Reasons

3. The appeal relates to a semi-detached dwelling. It has a single storey rear extension which spans the full width of the dwelling and projects some 4 metres from its main rear elevation. This extension sits directly on the boundary with the attached dwelling, No. 68 Phoenix Street.
 4. The proposal seeks to add a first floor directly on the footprint of the existing rear extension. Whilst the nearest first floor window of No. 68 serves a bathroom and is fitted with obscured glazing, the nearest ground floor opening is a set of patio doors, which serves a habitable room.
 5. The positioning and rearward projection of the proposed extension in relation to these patio doors does not accord with the 45 degree rule referred to by the appellant. To my mind, the additional height at first floor level would be oppressive when viewed from the rear room at No. 68 which is served by the patio doors. The first floor extension would also be overbearing when viewed from the nearest part of its garden.
 6. Furthermore, No. 68 sits on a narrow plot. The oppressive effect of the proposed extension would be somewhat exacerbated by the position of the dwelling at No. 66 Phoenix Street, which sits close to the boundary with No. 68
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and whose two storey side elevation projects even further than the proposed extension. The result would see the proposed first floor extension having an enclosing effect.

7. In addition, I consider that the increased height and massing of the proposed first floor extension would cast a much greater shadow over the nearest section of the rear elevation of No. 68 at certain times of the day than the existing ground floor extension. The effect would materially reduce the levels of natural light entering the room served by the patio doors I have referred to.
8. For the above reasons, I conclude that the proposed first floor extension would unacceptably harm the outlook for the occupiers of No. 68 Phoenix Street, and it would also reduce the levels of natural light available to this property at certain times of the day. In such terms, it conflicts with policies ENV3 and SAD EOS 9 of the adopted Black Country Core Strategy, which collectively promote high quality design and good place making.
9. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

David Fitzsimon

INSPECTOR