



Appeal Decision

Site visit made on 9 July 2019

by S Shapland BSc (Hons) MSc MILT

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/R1845/D/19/3227454
28 Church Walk, Kidderminster DY11 6XZ

- 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 & Mrs M Jones against the decision of Wyre Forest District Council.
 - The application Ref 19/0078/FULL, dated 24 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 28 Church Walk, Kidderminster DY11 6XZ in accordance with the terms of the application, Ref 19/0078/FULL, dated 24 January 2019, 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: 3362 Rear extension dated January 2019, block plan 1:500 and location plan 1:1250 (undated).
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The appellants have submitted an additional plan as part of the appeal, reference drawing 3362Addition dated April 2019. The purpose of the plan is to provide clarification in respect of the positioning of windows at the adjacent property. As such this additional plan does not represent an evolution of the appeal scheme, and I do not find that any party would be prejudiced if I take this additional plan into account. I shall therefore determine the appeal on the basis of the plans submitted as part of the application, as well as the additional plan submitted as part of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of No 29 Church Walk, with particular regard to outlook and light.

Reasons

4. The appeal site is a semi-detached dwelling in an established residential area within Kidderminster. The proposal is for a single storey rear extension which would extend approximately 4.7 metres along the boundary with No 29 Church Walk. The proposal would be approximately 2.5 metres high at the boundary, with a mono pitch roof rising in height towards the host building.
5. There are a number of windows on the rear and side elevations of No 29 which would look out on the development proposal, including a large set of windows at the rear of the property. The current outlook from this property is of a close board timber fence which is approximately 1.8 metres in height, and stretches for the length of the garden along the boundary of the two properties.
6. The Council's adopted Supplementary Planning Guidance (SPG) on Design Quality sets out guidelines including a 45-degree code to help preserve the level of outlook and light enjoyed by occupiers of adjoining properties. The appellants have submitted an additional plan in support of the appeal which shows the positioning of the windows within No 29. It is evident from this plan that a 45-degree line from the mid-point of the windows at the rear of No 29 would be breached by the proposed extension. However, given there is a reasonable separation distance from the windows of No 29 and the proposed extension I do not find that the breach of this guideline would render the appeal proposal as a whole unacceptable.
7. The proposal would represent a relatively small increase in height when compared to the existing fence along the boundary. Given the separation distance of the properties and the proposed height of the extension, I do not find that this would lead to an overbearing impact. As such it would not harm the living conditions of the occupiers of No 29, with particular regard to outlook.
8. From the plan submitted it is evident that No 29 benefits from an open plan kitchen, breakfast room and dining room on the ground floor which is served by a number of windows. This includes a window on the side elevation which faces No 28, two windows which look into the rear garden and an additional side window. Given this open plan space is served by a number of windows which would not be impacted by the planned extension, I find that there would not be significant harm to the living conditions of occupiers at No 29 in respect of light.
9. The appellants have indicated that the host property benefits from permitted development rights, which would allow for a scheme to be built which is larger than the one proposed as part of this application. Moreover, since the Council refused planning permission for the appeal scheme, the appellants have submitted an application for prior approval for a scheme which is identical to the appeal scheme. As such it is reasonable to assume that the appellants would pursue their intentions for a rear extension. Whilst I am required to determine the appeal in front of me, I have taken this into account in my assessment of this case.
10. Accordingly, the appeal proposal would not conflict with Policy SAL.UP8 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006 - 2026, which seeks, amongst other things, that extensions should not have serious adverse effect on the amenity of neighbouring residents. Whilst the

proposal breaches the 45-degree code of the SPG, the proposal overall accords with the amenity protection and design aims of these policies.

Conditions

11. The Council and appellants have suggested 3 standard conditions in the event that the appeal is allowed. It is necessary to amend the Council's condition requiring the development to be carried out in accordance with the approved plans, to reference the correct submitted plans. I have imposed the standard time limit condition and a condition requiring the use of matching materials. These are necessary as these provides certainty and protects the character and appearance of the area.

Conclusions

12. Having regard to all matters raised, it is concluded that the appeal proposal would not be contrary to the development plan when taken as a whole. Therefore, the appeal should succeed, and planning permission should be granted subject to conditions.

S Shapland

INSPECTOR