



Appeal Decision

Site visit made on 17 September 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2019

Appeal Ref: APP/G4620/W/19/3230868
Rear of 30 Horseley Heath, Tipton DY4 7PA

- 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 P Browning against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/19/62966, dated 28 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is a bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the development on the character and appearance of the locality and on the living conditions of neighbouring residents with regard to outlook and light.

Reasons

Character and appearance

3. The site is part of the rear garden of 30 Horseley Heath, a corner semi-detached dwelling fronting on to a local main distributor road. The garden is set behind a screen wall and landscaping strip along the north-eastern side of Dovecote Close. The close forms part of an enclosed modern estate characterised by similarly proportioned and detailed two-storey detached and semi-detached properties set within a series of open fronted culs-de-sac. The dwellings consistently have gabled roofs with small pike features and mid-height projecting canopies. The majority have forward projecting bays at ground floor and show similar materials throughout but with variation in colour finishes. Parking is provided through a mix of forecourt provision and both integral and detached garages with corresponding pitched roofs.
4. The scale of the dwelling would have little relationship to either no 30 or the more modern units of Dovecote Close. The site layout would result in the tight siting of the bungalow to three of the plot boundaries and habitable room windows set close behind the existing boundary wall. This, in conjunction with an uncharacteristic low pitching roof, would expose the plot constraints and appear as a cramped form of development. The arrangement would neither reflect the local vernacular scale, the typical relationships between primary accommodation and their ancillary buildings within the area, or, the open-fronted aspect of Dovecote Close on to which the development would front.

5. The development would therefore fail to integrate with the local character and scale of development and subsequently appear incongruous in the locality. This would conflict with the requirements of policy ENV3 of the Black Country Core Strategy and policy SAD EOS 9 of the Sandwell MBC Site Allocations and Delivery Development Plan Document which, overall, seek to ensure a high quality of design that reflects the distinctive character of the local area.

Living conditions

6. The proposed building would lie southwest of the nearest residential property at 33 Dovecote Close at a distance of about 0.8 metres from the common boundary. No.33 has a conservatory to the rear that currently benefits from direct sunlight, particularly during afternoon and evening hours, although some shadowing from the existing boundary fence will occur in later evening hours.
7. The siting and scale of the proposed development would cause additional overshadowing of the conservatory and parts of the garden area beyond it. As the ground floor accommodation of no.33 substantially relies on daylight via the conservatory the effect would be marked, particularly in the cooler months. This would give rise to a significant adverse effect on the existing living conditions of occupiers of that property.
8. With respect to outlook, the upper brickwork of the rear elevation and eaves line would be visible above the boundary fence for a distance of about 5 metres behind the line of the conservatory. Whilst the development would be visible, the offset distance combined with the moderate height of the eaves and roof pitching away from the common boundary, would not substantially impose on, or dominate, the main rearward outlook of the conservatory. It would not therefore cause harm to the living conditions of neighbouring occupiers through creation of poor outlook.
9. Notwithstanding the conclusion with regard to outlook, the development would result in an adverse impact on the living conditions of neighbouring occupiers through loss of sunlight and overshadowing and therefore conflict with paragraph 127 of the National Planning Policy Framework which seeks to secure high standards of amenity for existing residents.

Other matters

10. It is suggested that a comparable size of building could be erected under permitted development rights. However, I have seen nothing to suggest that if this were possible, the appellant would genuinely pursue this option if the appeal failed. As such, it is a matter of negligible weight in the determination of this appeal.

Conclusion

11. For the above reasons the appeal is dismissed.

R Hitchcock

INSPECTOR