
Appeal Decision

Site visit made on 4 November 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/C4615/D/19/3237580

6 John Road, Halesowen, B62 0AP

- 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 Lyndsey Swallow against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/0854, dated 7 June 2019, was refused by notice dated 2 August 2019.
 - The development proposed is described as a 'single-storey rear extension with first floor extension over existing garage'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council has highlighted slight discrepancies between the submitted plans and some of the images shown in the appellant's written statement. For avoidance of doubt the appeal has been dealt with on the basis of relevant submitted plans.

Main Issues

4. The main issues are the effect of the first floor extension on:
 - the character and appearance of the host property and the surrounding area; and
 - the living conditions of the occupiers of No 7 John Road, with particular regard to outlook and light.

Reasons for Recommendation

Character and Appearance

5. The appeal property is a linked detached dwelling situated in an elevated position at the end of a cul-de-sac, within a suburban setting. The surrounding residential area appears to comprise 20th Century development, with other

similar detached/linked dwellings within John Road. A number of the properties have been extended and altered including the neighbouring property at No 5 which has a 2 two storey side extension which has altered the pyramid hipped roofs which are a feature of the area. Notwithstanding this matter the development pattern within the road is typified by pyramid hipped roofs with regular spacing between the properties.

6. The revised National Planning Policy Framework (Framework) emphasises that good design is a key aspect of sustainable development. Planning decisions should ensure that developments are visually attractive as a result of good architecture. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...taking into account any local design standards or style guides in plans or supplementary planning documents.
7. The proposed design of the first floor extension would extend the roofline, slightly below the existing apex, approximately half the width of the existing principal elevation, with the addition of a further similar shaped, yet subordinate roof which in combination would significantly alter the appearance of the existing roof, particularly when viewed from the front. The proposed window to be positioned over the garage would align with the existing fenestration, however this would be somewhat unbalanced by the addition of the proposed solid brick elevation extending towards the eastern boundary, which despite being set back would be an unwieldy addition which would not blend with the existing form of the host dwelling.
8. The proportions of the property's principal elevation and its existing roofscape would be overwhelmed by the proposed first floor extension, resulting in a development which would visually harm the character and appearance of the host property.
9. It follows that the contribution that the host property makes to the character and appearance of the area would be diminished as a result. The side first floor extension would be viewed from most parts of the street. Although the offset position of the appeal property would reduce the cumulative visual change arising when observed from the wider area, the addition would visibly interrupt the existing pleasing roofscape in this part of the road, detrimentally altering the prevailing development pattern, in particular the clear spacing between respective dwellings in this elevated part of the street, where the properties appear relatively unchanged.
10. In light of the foregoing, I conclude that the first floor extension would be harmful to the character and appearance of host property and the area in general. The proposal is contrary to Policy ENV2 of the Black Country Cor Strategy 2011 (BCCS), and Policies S6 and L1 of the Dudley Borough Development Strategy 2017 (DBDS) and Planning Guidance Note 17 which collectively require development to protect and promote the local distinctiveness of the Black Country, which is responsive to the character and/or visual amenities of the local area , with extensions designed so that they relate to the character of the original house and are compatible with the character of the surrounding area. There would also be conflict with the Framework which amongst other matters requires that development is sympathetic to local character.

Living Conditions

11. The appeal property is set back, at a slight angle and sitting lower, in relation to the neighbouring property, No 7. The proposed first floor extension forming an en-suite, would in part abut the boundary between the two properties. This part of the extension would significantly intrude on the outlook from the first floor bay bedroom window at No 7, when looking to the west, replacing the current, relatively open aspect with a significant proportion of solid wall. This would appear overbearing from this vantage point given the proximity of the dwellings. The proposal would be likely to make this room less pleasant to use as a result.
12. The proposal would be unlikely to lead to significant overshadowing of the garden and ground floor of No 7 due to the strong boundary treatment and its relatively elevated position in relation to the appeal property. However, the extension would have a partial enclosing effect with some loss of light to the first floor bedroom window given the orientation and offset position of the host dwelling. The effect would however be limited given the northern aspect of the rear elevation of No 7, and would be unlikely to make the use of the room less pleasing.
13. Whilst there has been no objection raised by the existing neighbours, I am mindful of the quality of living conditions for future occupiers of this dwelling. I therefore conclude, in light of the foregoing, that the proposed development would harmfully affect the existing outlook afforded to the occupiers of No 7.
14. I conclude therefore that the proposed first floor extension would be harmful to the living conditions of the occupiers of No 7, in conflict with Policy L1 of the DBDS, Planning Guidance Note 17 and Planning Guidance Note 12 which seek to ensure that development is appropriate in its locality and would not cause unacceptable harm to the amenities of occupiers of neighbouring dwellings, including harm arising from loss of outlook. There would also be conflict with paragraph 127 of the Framework which requires that development should create places that have a high standard of amenity for existing and future users.
15. The Council's decision notice references Policy ENV2 of the BCCS and Policy S6 DBDS. However, there is no reference in these policies to living conditions and I therefore find no conflict with these in respect of this main issue.

Other Matters

16. Although properties in the street have been extended, I do not have the details before me to consider these matters and have dealt with the appeal before me, taking account of all particular issues and matters pertinent to this specific proposal.

Conclusion and Recommendation

17. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR