



Appeal Decision

Site visit made on 10 March 2020

by Rachel Walmsley BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/C4615/D/20/3245767
53 Cavalier Drive, Halesowen B63 4SQ

- 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 B Billingsley against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/1510, dated 23 October 2019 was refused by notice dated 10 December 2019.
 - The development proposed is two and half storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two and half storey side extension at 53 Cavalier Drive, Halesowen B63 4SQ in accordance with the terms of the application, Ref P19/1510 dated 23 October 2019, subject to the following conditions:
 - i) the development hereby permitted shall begin not later than 3 years from the date of this decision, and;
 - ii) the development hereby permitted shall be carried out in accordance with the following approved plans: 1001/002 Rev A.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons

3. The property on the appeal site is at the end of a row of houses which are almost identical in form and scale. Shared features including front facing gables, porches and garages give the row of properties a uniform character. This is appreciated most within views from the open space nearby towards the houses. The appeal property, being at the end of the row, has a side elevation that is exposed to local views, from the open land nearby. This elevation is most obvious when looking at the site from the south.
4. The revised plans before me propose an extension whereby the roof would be set down from the ridge line of the main dwelling and the form and scale of the extension would be subservient to that of the original house. The windows in the front elevation of the extension would complement the scale and horizontal positioning of the existing windows.

5. The two high level windows in the extension's side elevation would contrast with the form of windows elsewhere on the house. However, there would be an appropriate ratio of glass to brick for them to not appear overly dominant in this elevation. The glazing to the proposed lounge would be imperceptible within views from the wider area given its position at lower ground level.
6. To the rear of the property the windows proposed to ground and lower ground floors would not mirror the horizontal emphasis of the existing windows, nor complement their form and scale. Because of this the extension would appear out of kilter with the existing house. However, the rear elevation is not readily seen within public views; the elevation is overlooked by a privately-owned area of land. Furthermore, given the modest scale of the extension and the windows concerned, their impact on the character and appearance of the surrounding area would be negligible.
7. All in all, I find that the development would be subservient in form and scale and of a design that would not appear incongruous and harmful to the character and appearance of the host dwelling or surrounding area. As such, the development would not be contrary to Policies S6 and L1 of the Dudley Borough Development Strategy¹ and Policy ENV2 of the Core Strategy² which seek development that responds appropriately to the character and visual amenities of the local area.

Conditions

8. In addition to the standard time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plan for the avoidance of doubt and in the interests of proper planning.
9. The Council suggests an occupancy condition which I have considered against the advice in the Planning Policy Practice Guidance and the Town and Country Planning (Development Management Procedure) (England) Order 2015. I have no evidence before me and nor is there anything within the layout of the development to suggest that the extension would be in a separate use to the main house. Moreover, if not used for purposes ancillary to the dwelling, planning permission would be required. There is reference within the Officer's Report to the development accommodating a gym for the local football team. However, the Officer explains that no details were submitted regarding this and therefore the development must be considered on its merits, as an extension to the existing dwelling house. There is nothing within the evidence before me to suggest that I should take a different view. As such, the occupancy condition is unreasonable and unjustified.

Conclusion

10. For the reasons set out above, the proposed development would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR

¹ Dudley Borough Development Strategy, Adoption March 2017

² Black Country Core Strategy, Adopted February 2011