



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: 31 March 2020

Appeal Ref: APP/C4615/D/20/3246303
141B, Vicarage Road, Wollaston DY8 4QT

- 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 D Napier against the decision of Dudley Metropolitan Borough Council.
 - The application ref P19/1408 dated 4 October 2019 was refused by notice dated 2 December 2019.
 - The development proposed is proposed replacement roof to create 'room in roof', front and rear extensions, with associated alterations to elevations.
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Decision

1. The appeal is allowed and planning permission is granted for proposed replacement roof to create 'room in roof', front and rear extensions, with associated alterations to elevations at 141B Vicarage Road, Wollaston DY8 4QT in accordance with the application ref P19/1408, dated 4 October 2019 and subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision;
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed front elevation 1928-08a; proposed rear elevation 1928-09a; proposed side (east) elevation 1928-11a; proposed side (west) elevation 1928-10a; proposed ground floor plan 1928-06a; and proposed first floor plan 1928-07a, and;
 - iii) The rear first floor level window hereby permitted shall be fitted with obscured glazing, and no part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once implemented, the obscured glazing and fixed element shall be retained thereafter.

Main Issues

2. These are:
 - i) the effect of the proposed development on the living conditions of the occupiers of a neighbouring property, with particular regard to privacy, light and outlook, and;

- ii) the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons

Living conditions

3. The Council refused the development on the grounds of loss of privacy for the neighbouring occupiers at No 58 Ridge Street when in their garden. On the shared boundary between this property and the appeal site is a close boarded fence. This would screen views from the ground floor of the appeal property. The window to the proposed en-suite is at first floor level. Given its length, a person in the en-suite could readily overlook the garden and property at No 58. The appellant has indicated that the window could be obscure glazed which would be the norm for this type of space. In its questionnaire, the Council have accepted that a condition to this effect and fixing shut the window would be acceptable. This condition would ensure that the garden of No 58 could not be overlooked, thereby overcoming any harm associated with a loss of privacy.
4. As well as a loss of privacy, the occupiers of No 58 raise concern over the loss of light. The development would not be within the sun's path as it travels east to west so as to cause unacceptable levels of overshadowing. The development would be a reasonable distance from the garden and house at No 58 to not restrict levels of light to an unacceptable degree.
5. The Council refers to the development being overbearing in character. The fence on the shared boundary would obscure the ground floor of the development. The rear gable and roof proposed would be visible from the garden and rear living spaces at No 58. Given the notable distance between the two and the perpendicular angle of the garden and house at No 58 to the appeal site, the bulk and mass of the development would not appear overbearing or create an oppressive living environment for neighbouring occupiers.
6. I find, therefore, that with an appropriate condition in place, the development would not be contrary to policies S6, ENV2 and ENV3 of the Core Strategy¹ and related Planning Guidance Note No 17² that seek to achieve development that is responsive to context and does not unduly affect neighbours.

Character and appearance

7. The residential area within which the appeal site sits is dominated by frontage properties. Either side of the appeal site the houses vary in form, scale, age and architectural expression and sit comfortably within individual plots. The set-back of the houses from the street and the landscaped front gardens create a relaxed and pleasant character to the area.
8. Although the development proposed would extend the existing property, the alterations would create a notable change to the form, scale and appearance of the existing house. So significant that, from the street, the original form of the host dwelling would be barely discernible. I do not agree with the Council, therefore, that the development would appear as a discordant and incongruous addition to the host property.

¹ Black Country Core Strategy, Adopted February 2011

² Planning Guidance Note No 17, House Extension Guide

9. As the appellant states, the resultant house would have the appearance of a new build modern home. The modern design is largely born out of the design of the windows in the front elevation which have a strong vertical alignment. These windows would contrast with those on other properties in the area that mostly have a horizontal emphasis. However, the property would be set back from the highway and would be accommodated comfortably within its plot. As such the windows and their effect in creating a modern appearance to the house would not have a discernible impact on views up and down the street and therefore on the character and appearance of the area.
10. The form of the property would respect the varied design of houses within the street and its scale would sit comfortably between the two and single storey properties either side of the appeal site. The Council raise concern that because the proposed ridge height of the gable would be higher than that for the main house, the proposal would appear overly dominant. Being slightly higher than the ridge line of the main house, the gable reads as a focal point in the design of the front elevation. Together with its set-back from the street, the development would not appear overly dominant or incongruous.
11. All in all, I find that the development would not be harmful to the character and appearance of the host dwelling and surrounding area. As such, the development would not be contrary to policies ENV3 of the Core Strategy³ and L1, S6 and S8 of the Local Plan⁴ which seek development that is of an appropriate form, siting, scale and mass and respects and responds to local context and character.

Conditions

12. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty.
13. The Council has suggested a planning condition regarding obscure glazing. I have found this to be necessary and when considering it against the advice in the Planning Practice Guidance it is also reasonable and so is included.

Conclusion

14. For the above reasons, and having due regard to all other matters raised, the proposal is not contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR

³ Black Country Core Strategy, Adopted February 2011

⁴ Dudley Borough Development Strategy, Adoption March 2017