



Appeal Decision

Site visit made on 2 June 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2020

Appeal Ref: APP/K3415/D/19/3236992

Oak Tree Manor, 34 Nursery Lane, Hopwas, Tamworth B78 3AS

- 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 Setton Impex against the decision of Lichfield District Council.
 - The application Ref 19/00493/FUH, dated 1 April 2019, was refused by notice dated 30 August 2019.
 - The development proposed is conversion of existing garage and extension forming a new garage with accommodation above.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage and extension forming a new garage with accommodation above at Oak Tree Manor, 34 Nursery Lane, Hopwas, Tamworth B78 3AS in accordance with the terms of the application, Ref 19/00493/FUH, dated 1 April 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: 7700 100A, 7700 150A, 7700 250C, 7700 450C and 7700 451B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are (i) the effect on the character and appearance of the area and (ii) the effect on the living conditions of the occupiers of the adjoining property, Norcott, in respect of privacy.

Reasons

Character and appearance

3. The appeal property is a 3 storey house with a front garage at the end of a gated drive. The area includes a variety of dwellings interspersed with trees and hedges.
4. The extension would increase the size of the dwelling and be slightly higher than the existing garage. However, it would be lower and smaller in overall bulk to the main part of the house and so it would not be disproportionate in

size. Also, as it would follow the alignment of the garage, the extension's position to the front would reflect the design of the appeal property.

5. None of the dwellings in the area have been extended to the front in a manner similar to the proposal. However, intervening vegetation would prevent the extension being seen with other dwellings and it would be away from the road, partially screened by the gates and vegetation. As such, the proposal would not be prominent and would not detract from the wider street scene.
6. For the above reasons, I conclude that the development would not harm the character and appearance of the area. As such, it would be in accordance with Core Policy 3 and policy BE1 of the Lichfield District Local Plan Strategy 2015 (LPS), the Council's Sustainable Design Supplementary Planning Document 2015 (SPD) and the National Planning Policy Framework (the Framework). These all aim, amongst other things, to ensure that developments are of high quality design that reflect the character and appearance of an area.

Living conditions

7. The rear part of the site adjoins the back garden of Norcott while the front is next to an open field. Norcott is on a significantly higher level than the appeal site with a fence and bushes on top of a brick retaining wall on the boundary.
8. The dormer bedroom window on the west elevation of the extension would be close to the side boundary but would directly face the field. Views towards Norcott's garden would be at an acute angle to the plane of the window and would be obstructed by the difference in levels, the boundary features as well as the roof to the proposed staircase addition. Views through the glazed roof panels would be restricted by reason of their height above the stairs, the elevated position of Norcott and boundary features. Consequently, the proposal would not lead to a loss of privacy or a sense of overlooking onto Norcott.
9. For the above reasons, the proposal would not cause harm to the living conditions of the occupiers of Norcott in respect of loss of privacy. In this respect, it would comply with policy BE1 of the LPS and the Framework which aim, amongst other things, to create places with a high standard of amenity for occupiers of property. The proposal would not strictly comply with the SPD guidance of a minimum 6 m distance between windows and site boundaries. However, the considerations set out above are of sufficient strength to collectively outweigh that non-compliance.

Conditions and conclusion

10. A condition referring to the approved drawings is needed in the interests of clarity. A condition requiring the use of matching materials is imposed to ensure the satisfactory appearance of the development.
11. For the above reasons, I conclude the appeal should be allowed as set out in the formal decision above.

Jonathan Edwards

INSPECTOR