

Appeal Decision

Site visit made on 14 July 2020

by Jameson Bridgwater DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/C4615/D/20/3249131

71 Cromwell Drive, Dudley DY2 7ET

- 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 Danyal Iqbal against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/1435, dated 10 October 2019, was refused by notice dated 17 December 2019.
 - The development is described as 'two storey side, rear extension'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the host dwelling and the area.
 - the effect of the proposal on the living conditions of the occupiers of No 23 Greenfells Rise, with particular regard to privacy.

Reasons

3. Cromwell Drive is a residential street which is suburban in character. The majority of properties in the area are generally similar two-storey semi-detached houses. To provide a degree of variation in the street scene the properties are finished in a mixture of brick and render, with many retaining their original detailing and fenestration. The layout, materials, hipped roofs and intervening spaces between the pairs of semi-detached houses contribute to the character and appearance of the area.
4. Number 71 Cromwell Drive is a two-storey semi-detached property. It occupies an elevated position above properties in the adjacent Greenfells Rise. The proposal seeks to add a two-storey side and rear extension.

Character and appearance

5. I have carefully considered the appellant's representations in relation to detailed discussions with the Local Planning Authority with regard to the proposed extension. Furthermore, I appreciate that the appellant has tried to develop a proposal that responds to the constraints of the site and its surroundings. However, the two-storey side and rear extension would fail to

relate to the simple uncomplicated design of the host dwelling, due to the exaggerated set-back and massing resulting in a convoluted hipped roof form. Consequently, the two-storey side and rear extension would appear at odds with the host dwelling and prevailing street scene, materially harming the suburban character and appearance of the host dwelling and the area.

6. Having reached the conclusions above, the proposal would conflict with Policies ENV2 and ENV3 of the Black Country Core Strategy (BCCS) and Policies L1, S6 and S8 of the Dudley Borough Development Strategy (DBDS). These policies amongst other things seek to ensure that new buildings and extensions relate to their setting to protect and enhance local character. In reaching my conclusions I have also taken into account the Dudley House Extension Design Guide.

Living conditions

7. The rear elevation of the proposed extension would be situated approximately 16.2m away from No 23 Greenfells Rise, albeit at a significantly higher level. However, due to the topography, even at a distance of over 16m and taking into account intervening boundary evergreen hedgerow, the proposed extension would be highly visible. As such, when compared to the existing rear elevation of the appeal property, the proposal would appear dominant and overbearing. Furthermore, whilst I accept that the appellant has amended their scheme to include obscure glazing on the rear facing first floor windows, the presence of these windows, even if obscure glazed, would still result in the strong perception of being overlooked.
8. Therefore, having regard to the siting of the proposal, the significant difference in levels and the first-floor rear facing windows, the proposed extension would result in material harm to the living conditions of the occupiers of No 23 Greenfells Rise. The proposal would therefore conflict with BCCS Policy ENV2 and DBDS Policies L1 and S6, that seek amongst other things to protect the residential amenity of residents.

Other considerations

9. The appellant has referred to a number of other schemes in Cromwell Drive and Springfield Crescent and cite these as setting a precedent for their case. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.

Conclusion

10. For the above reasons and having regard to all other matters I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR