



Appeal Decision

Site visit made on 7 July 2020 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Appeal Ref: APP/G4620/D/20/3244652

57 Broadway, Oldbury B68 9DP

- 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 R Wade against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/19/63418, dated 12 August 2019, was refused by notice dated 28 October 2019.
 - The development is described as proposed single storey rear extension and 2 storey side extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for proposed single storey rear extension and 2 storey side extension at 57 Broadway, Oldbury B68 9DP in accordance with the terms of the application, Ref DC/19/63418, dated 12 August 2019 subject to the following conditions:
 - 1) 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.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: 1:1250 Location Plan & Drawing No CA-224-02.

Appeal Procedure

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

Preliminary Matter

3. Works relating to the two-storey side extension and rear extension have started and therefore I am considering the appeal on this basis.

Main Issues

4. The main issues in this case are the effect of the development on:
 - The character and appearance of the street scene including No 55 Broadway, the adjoining semi-detached dwelling, and
 - The living conditions of the neighbouring occupiers, with regard to outlook.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is on the north side of Broadway, set back from the highway by a grass verge and residential access road serving the dwellings on this side of the road. While it appears that the row was originally formed of uniform semi-detached dwellings, many have subsequently been extended and altered, including two-storey side extensions. Nevertheless, there are still some properties, such as on the appeal site, which do not have two-storey side extensions.
6. The two-storey side extension projects forward of the front elevation of the host dwelling. In this way it is very similar to those side extensions elsewhere on the street. While the Council may usually expect a set back from the front elevation and set down from the roof, I find such a requirement would not be appropriate in this location given the surrounding street scene. Conversely, the development before me replicates the style used elsewhere in the street and is therefore sympathetic to its character and appearance.
7. No 55 Broadway is the other half of the pair to the appeal property. It is the last dwelling in the row of properties on this stretch of the road and does not have a two-storey side extension. Given its position at the end of the row I find that some variation in its appearance is not out of place with the street scene. In light of this I find that the development before me does not unacceptably harm the symmetry of the pair of dwellings as a result of their differences.
8. In conclusion the two-storey side extension does not harm the character and appearance of the street scene and the pair of semi-detached dwellings of which it forms part. As such the development complies with Policy ENV3 of the Black Country Core Strategy, and Policy EOS9 of the Site Allocations and Delivery Plan Document which collectively require development to be of a high quality and respond to the identity of their surroundings. It also complies with the purpose of the Revised Residential Design Guide Supplementary Planning Document (SPD), which amongst other matters requires extensions to be in proportion to the scale of the existing dwelling and street scene.

Living Conditions

9. None of the policies that the Council has put before me and drawn to my attention relate directly to the living conditions of neighbouring occupiers, nor do they refer to the 45° code line. Neither does the extract from the SPD with which I have been provided refer to the 45° code line. Although I note there is reference in the SPD to proposals which might impact unduly on neighbouring properties. As such I have reverted to the National Planning Policy Framework (the Framework) and based my assessment on its policies. Relevant to this appeal, Paragraph 127(f) requires that developments "create places... with a high standard of amenity for existing and future users".
10. The outlook from the rear facing patio doors serving No 55 would, prior to development starting, have had a largely open outlook. The only restriction to this being the tall boundary fence, to the west of the doors, between them and the appeal site. The single storey rear extension extends above the height of this fence, but by only a relatively limited amount in comparison to the height of the fence. Given this I find that although there would be some further

impact on the outlook towards the west, this would not be so significant as to result in harm to the living conditions enjoyed by occupants of that property in the use of the room that the patio doors serve. The quality of the outlook is further maintained by the openness towards the north and east which would still provide a pleasant outlook.

11. In light of the above I find that the outlook of the neighbouring occupiers at No 55 Broadway are not unacceptably affected by the single storey rear extension. In this way the development does not harm the living conditions of the neighbouring occupiers and complies with the amenity requirements of Paragraph 127(f) of the Framework. Moreover, there would be no conflict with the SPD which sets out that the over intensification of individual dwellings will be resisted where they unduly impact on neighbouring properties.

Conditions

12. The Council has suggested conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Policy Guidance.
13. I find that to ensure clarity a condition is necessary requiring that the development is carried out in accordance with the approved plans. Moreover, in the interests of the character and appearance of the building, a condition is required to ensure that the external materials match those existing on the host dwelling.

Recommendation

14. The development complies with the development plan and there are no other material considerations that indicate a decision otherwise would be appropriate. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed with the suggested conditions.

Kenneth Stone

INSPECTOR