
Appeal Decision

Site visit made on 30 June 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeal Ref: APP/G4620/D/20/3252256

24 Kendal Rise, Oldbury, West Midlands B68 8ER

- 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 Sukhbir Samra against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/64002, dated 3 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is a "first-floor side/rear and single storey extension and rear conservatory".
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on neighbouring living conditions with respect to the outlook of nos 26 and 28 Kendall Rise.

Reasons

3. The side gable elevation of the host dwelling faces the front elevations of neighbouring semi-detached properties 26 and 28 Kendall Rise, containing habitable windows.
4. I note the Council's objections to the proposal relate to the first-floor side extension part of the proposal therefore I have focused on that aspect. The Council's Revised Residential Design Guide, Supplementary Planning Document (SPD) does not specify what the separation distance should be for windowed front elevations facing toward a side gable. I appreciate point (iii) of the SPD recommends a minimum separation distance of 14 metres between opposing one and two storey gables and rear facing windowed elevations but it is the site-specific effects of the development that are central to my decision rather than the distance mentioned in the SPD relied on by the Council.
5. The first-floor side extension would be erected on the top of an existing attached garage, situated approximately 11.5 metres away from the front elevations of 26 and 28. In doing so it would add considerable built mass and bulk to the side gable elevation of the host property, reducing the amount of separation space at first floor level. Whilst I acknowledge the host property is around 1 metre lower than 26 and 28, owing to differences in levels, the change would be intrusive. The proximity of the development would lead to

neighbouring primary outlook being dominated by a tall brick elevation which would be overbearing and oppressive.

6. I acknowledge that there are existing intervening boundary trees and other plantings which would partially obscure direct views of the side extensions, particularly the single storey components. Nevertheless, the first-floor component would be prominent and the continued presence of the natural plantings along the boundary is also open to potential change, including removal. Therefore, the existence of those boundary features does not overcome my concerns.
7. I therefore conclude the development would have a harmful effect on neighbouring living conditions. It would conflict with policy ENV3 of the Black Country Core Strategy (2011) which seeks high design standards and sustainable development, given local circumstances, policy SAD EOS9 of the Council's Site Allocations and Delivery Plan Document (2012), which discourages development which is incompatible with its surroundings, as well as the spirit of the Revised Sandwell Residential Design Guide SPG (2014) which sets out minimum external space standards to protect living conditions.

Other Matters

8. The absence of public objections to the extension does not outweigh the long-term harm I have identified. In addition, the appellant also refers me to more generous separation distance advice issued by another Council on another site. However, I do not have the full details of the circumstances referred to. In any event, I have judged the appeal development before me on its own merits.

Conclusion

9. For the above reasons I dismiss the appeal.

M Shrigley

INSPECTOR