



Appeal Decision

Site visit made on 14 August 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/C4615/D/20/3254704

13 Flavells Lane, Lower Gornal DY3 2RU

- 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 Enright against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/0193, dated 10 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is front and rear extensions with internal alterations and loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's surname on the planning application form is given as 'Enwright'. However, the agent has confirmed that the correct spelling is 'Enright', as given on the appeal forms.

Main Issue

3. The main issue is the effect of the proposal on living conditions for occupiers of No 11 Flavells Lane with particular regard to levels of outlook and light.

Reasons

4. The front elevation of the appeal dwelling sits on a similar alignment to the rear elevation of the bungalow at No 11 Flavells Lane. Both dwellings sit in close proximity to the shared side boundary. No 11 is also situated at a significantly lower level to the appeal site. Consequently, the appeal dwelling has a dominant presence from the rear aspect of No 11.
5. The ridge of the roof would be set in from the shared boundary. Even so, the proposed increase in height and steeper roof pitch would be particularly perceptible from the conservatory, decking and immediate garden area to the rear of No 11. In combination with the site-specific factors described, the development would exacerbate the overbearing relationship of the dwelling at No 13 with No 11 and would be harmful to levels of outlook for occupants of this neighbouring dwelling.
6. The Council's reason for refusal also cites the potential for loss of light for occupants of No 11. I have no substantive evidence before me for example in the form of a survey on levels of light showing a comparison between the

existing and proposed situation. I am therefore unable to assess whether any loss of light would result in material harm when compared with the existing situation. Even so, this does not overcome the harm already identified.

7. I conclude that the development would have a harmful effect on living conditions for occupants of No 11 in respect of levels of outlook. In that particular regard, the development would be contrary to Policy L1 (Housing Development, Extensions and Alterations to Existing Dwellings) of the Dudley Borough Development Strategy (2017) (DS) insofar as it seeks to protect the amenities of the occupiers of neighbouring dwellings including in respect of outlook.
8. The Council's reason for refusal refers to Policy S6 (Urban Design) of the DS and Policy ENV3 (Design Quality) of the Black Country Core Strategy (2011). These policies do not specifically reference consideration of neighbouring living conditions. Whilst I have not identified specific conflict with these policies, this does not diminish the harm identified above.

Other Matters

9. My attention has been drawn to an existing planning permission at the site which granted similar extensions at ground floor level to those proposed in the appeal proposal. However, given the plans approved under that application did not include an increase in the ridge height of the dwelling, I do not find them comparable to the proposals before me.
10. The ability to utilise matching materials and any potential improvements to privacy for occupants of No 11 that would result from the proposal to block up ground floor windows facing this neighbour, does not overcome the conflict with the development plan identified under the main issue.

Conclusion

11. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR