



Appeal Decision

Site visit made on 22 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/V4630/D/20/3256162

67 Holtshill Lane, Walsall WS1 2JA

- 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 Khurshid against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 19/1094, dated 18 August 2019, was refused by notice dated 18 May 2020.
 - The development proposed is a single storey rear extension and loft conversion with roof alterations.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed alterations to the roof. The appeal is allowed as it relates to the single storey rear extension and planning permission is granted for a single storey rear extension at 67 Holtshill Lane, Walsall WS1 2JA in accordance with the terms of application Ref. 19/1094, dated 18 August 2019, and plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The single storey rear extension hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan OS/1001 and Ex.&Prop Plans 01/1001.

Preliminary Matter

2. At the time of my site inspection a single storey extension had been constructed at the rear of the property. Some deviations were apparent between the development and the submitted plans. For the avoidance of doubt, this appeal is determined on the basis of the plans as submitted with the planning application.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the locality;
 - the living conditions of nearby residents with particular regard to outlook, privacy and light; and,
 - parking provision in the locality.

Reasons

Character and appearance

4. The site lies in an area of primarily mixed housing. The building is an end of terrace unit within a consolidated housing development of about 26 similarly styled and finished dwellings. The buildings lie in closely set rows on sloping land near the junction of Holtshill Lane and Union Street.
5. Although the majority of the dwellings have dual-pitched roofs, the group is designed with several focal buildings incorporating high mono-pitched roofs. These give a sense of identity to the group and the appeal site accommodates one of the focal buildings.
6. The proposed roof dormer would be large scale and extend close to the existing ridge, eaves and roof verges. The scale of the addition would dominate the existing roof slope and appear as a significant alteration of the roof form. This would introduce a large incongruous element that would add significant visual massing.
7. Taken with the greater overall height of the building compared to the lower dual-pitched roof counterparts and the contrasting external materials, the dormer would be highly visible in the locality. The bulky, flat roof addition would contrast starkly with the existing simple roof forms to undermine the character of the building and an underpinning element of the wider group of development.
8. For the above reasons, I find that the dormer would conflict with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan (2005) (UDP), the National Planning Policy Framework (the Framework) and advice in the Designing Walsall Supplementary Planning Document for Urban Design (2013) (SPD) as they seek to achieve high standards of design that respect and enhance the local identity.
9. The single storey rear extension is set within the contained rear garden of the property which is split into three terraces on account of the steep land gradient. The extension incorporates simple styling and materials that reflect the character of the existing building and provides a coherent form of extension. For these reasons, I find that the rear extension would reflect the character and appearance of the building and wider group. It would therefore be consistent with the requirements of saved policies GP2 and ENV32 of the UDP, the Framework and the SPD in terms of design.

Living conditions

10. The rows or properties have a close parallel relationship which is well below the Council's standard separation distances. However, they have been designed in a manner whereby outlook from upper floor windows of the higher rows is generally restricted. The use of high-level windows and screen walling prevent overlooking of the intervening garden areas and views directly into the main habitable room windows addressing the gardens of the next row.
11. The outward view from the proposed dormer would be over the roofs of the adjacent properties that front Union Street. However, downward views would be afforded over the private rear garden areas and into the main habitable room windows of the lower row of properties. This would be at a distance well

below the Council's standard of 24m between habitable room windows in two storey (or greater) development, as set out in the SPD.

12. The greatest effect would be to the end of terrace unit at 43 Union Street, however, views over several of the adjacent properties would also arise. This would result in a significant loss of privacy to occupiers of those dwellings.
13. The clearest views of the roof extension would be experienced from the rear of 41 and 43 Union Street. Due to the steep level changes between those properties and the appeal site, the higher main face of the dormer would appear as a bulky addition to the roof. Whilst this would be tempered by the scale of nearby high-rise, the close siting of the buildings and difference in levels would exaggerate the effect of the extension and result in a dominant feature in the main rearward outlook and gardens of those properties. This would give rise to a poor outlook to the detriment of the living conditions of the occupiers of those properties.
14. Although the addition to the roof would give rise to a three-storey form of development such that some additional overshadowing would occur in the locality, the effect would be limited to early daylight hours on account of the orientation of the rows of development. In the context of the effect arising from the high-rise development at Croft House to the south of the site, I find that any additional overshadowing would have a negligible consequence on living conditions with respect to light in the locality.
15. Whilst I have found that the roof extension would not cause harm through loss of light, this does not outweigh the harm I have identified with respect to loss of privacy and creation of poor outlook. For the above reasons, I find that the proposed roof alteration would conflict with saved policies GP2 and ENV32 of the UDP, the Framework and the standards set out in the SPD which, amongst other things, seek to protect the living conditions of nearby residents from harm through loss of privacy and the creation of poor outlook.
16. Conversely, the limited depth of the rear extension behind the projecting line of the adjoining property, taken with its modest height, boundary screening and context of the steeply rising ground to the rear of the terrace, would not cause prejudice to the living conditions of neighbouring occupiers at 66 Holsthill Lane through significant loss of light, poor outlook or loss of privacy. That element of the proposed development would therefore be consistent with saved policies GP2 and ENV32 of the UDP, the Framework and the standards set out in the SPD as they seek to protect living conditions.

Parking

17. Policy T13 of the UDP requires developers to demonstrate that the development will provide adequate on-site car parking to meet its own needs and that there will be no adverse effect on highway safety. The Council's adopted minimum standard for 4-bedroom properties is three parking spaces.
18. The property relies on a communal parking area to the rear of the development for off-street parking. The surrounding roads are generally subject of permit or hours-limited parking restrictions. The parking court to the rear is limited in area such that provision for the numerous properties is very limited and cumulatively below the current minimum standard. There is little evidence

demonstrating that any additional parking demand could be met at the appeal site.

19. For that reason, I find that the level of parking that would be available for users of the site has not been demonstrated. That element of the development creating additional demand through the increase in bedrooms therefore fails to meet the requirements set out in Policy T13 of the UDP which seeks to secure appropriate levels of off-street parking and protect highway safety.

Conditions

20. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the single-storey rear extension but dismissed as it relates to the roof alteration.

R Hitchcock

INSPECTOR