



Appeal Decision

Site Visit made on 16 December 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/G4620/D/20/3258508

16 Grove Vale Avenue, Great Barr, Birmingham B43 6BZ

- 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 B Dail against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/64330, dated 4 June 2020, was refused by notice dated 3 August 2020.
 - The development proposed is extensions and alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the Council's decision notice provides additional detail on the proposals confirming that they include 'single and two storey rear extension, first floor side extension (amendment to previously approved of DC/20/63927)'. The Council's reason for refusal relates specifically to the proposed first-floor side extension and I have assessed the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed first floor side extension on the living conditions of the occupants of No 14 Grove Vale Avenue with particular regard to outlook.

Reasons

4. No 14 has a ground floor clear glazed window facing, and in close proximity to, the boundary with the appeal site. The evidence before me indicates this window currently serves a study. Means of outlook from this window is not unimpeded given the relative proximity of the window to the boundary fence and the appeal dwelling. Even so, due to the relative levels, the top of the window sits just above the top of the boundary fence. The appeal dwelling incorporates a sloped roof with side dormer window and then a set back to the section of first floor vertical brickwork which sits parallel with the neighbouring study window. These site-specific factors ensure that an adequate means of outlook is provided to this neighbouring window.

5. As a result of the proposed first floor extension, there would be an expanse of brickwork at first floor level aligned with and extending forward of the neighbouring study window. The close proximity and span of the first-floor extension would significantly reduce the appreciation of space for occupiers of No 14 when utilising the study. This would be overbearing and harmful to the means of outlook for the occupiers of this neighbouring property.
6. My attention has been drawn to an extant planning permission for extensions to the dwelling at No 16. However, the previously approved extensions retain the sloped roof and an inset to the first-floor vertical brickwork that is aligned with the neighbouring study window. This arrangement retains a similar degree of space and levels of outlook from the neighbouring study to that which presently exists. I therefore do not find the fallback position of the previously approved extensions persuasive in respect of the appeal proposals.
7. I conclude that the first-floor side extension would have a harmful effect on means of outlook for occupiers of the neighbouring dwelling at No 14. In that regard the development would conflict with Policy SAD EOS 9 (Urban Design Principles) of the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document (2012) (DPD) which amongst other things seeks to ensure that development which is incompatible with its surroundings is rejected. The proposals would also be contrary to Paragraph 127 of the National Planning Policy Framework with amongst other things states that decisions should ensure that developments create places with a high standard of amenity for existing and future users.
8. The Council has also referred to Policy ENV3 (Design Quality) of the Black Country Core Strategy (2011). This particular policy does not specifically refer to compatibility with surroundings or more specifically to the protection of living conditions for neighbouring occupiers. Whilst I have therefore not identified specific conflict with this particular policy, this does not override the conflict with the DPD and the Framework.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

M Russell

INSPECTOR