The Planning Inspectorate

Appeal Decision

Site visit made on 7 December 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/C3430/D/20/3262160
28 Queens Gardens, Codsall, WV8 2EP

- 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 and Mrs J Price against the decision of South Staffordshire Council.
- The application Ref 20/00536/FUL, dated 1 July 2020, was refused by notice dated 20 August 2020.
- The development proposed is described as 'Proposed single storey rear and first floor side extensions.'

Decision

1. The appeal is allowed, and planning permission is granted for proposed single storey rear and first floor side extensions, at 28 Queens Gardens, Codsall, WV8 2EP, in accordance with the terms of the application Ref 20/00536/FUL, dated 1 July 2020, and subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan No 20 45 06, Planning Proposals No 20 45 05.

    3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing building.

    4) The flat roof area below the Juliet balcony style rear window hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Appeal Procedure

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

Preliminary Matters

3. Planning permission for a very similar development at the appeal property was granted earlier in 2020.[1] The proposal seeks to amend the design of the approved extension.

[1]Ref 20/00301/FUL

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons for Recommendation

5. The appeal property forms one half of paired dwellings in a suburban cul-de-sac which comprises a mix of semi-detached and detached dwellings. It appeared unaltered to the side with an attached garage abutting the side boundary. Whilst the area has a design coherency reflective of the period in which it was originally constructed, the street scene is characterised by a variety of built forms, spacing and architectural detail. A number of properties have been extended to the side including some semi-detached dwellings.

6. The design of the proposed development takes its cues from the original architectural character of the host property. Although the first floor element would be closer to the party boundary and therefore wider than the previously approved extension, its ridge height would be set lower than the original roof, the front first floor elevation would be set back from that of the host dwelling and the proposed fenestration to the front would ensure the development would appear as a subservient addition, in keeping with the host dwelling.

7. The proposal would reduce the gap in the street scene at first floor between the host property and its neighbour, however the gap that would remain would be similar to nearby development in Queens Gardens and as such would reflect the character and appearance of the area. The proposal would not appear cramped or out of keeping with the varied street scene.

8. It is therefore concluded that the proposed development would not harm the character or appearance of the host dwelling or the surrounding area. Accordingly, the proposal complies with Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document 2012 which requires the design of development to be of the highest quality, in terms of scale, volume, massing and materials, which should contribute positively to the street scene and surrounding buildings, respecting the scale of spaces and buildings in the local area.

Other Matters

9. The proposed doors and window serving the rear bedroom would take first floor windows closer to the party boundary with No 29. Views from these areas would be largely down the rear garden of the host property, but those stood in the window/doors would also be able to obtain views in to and across the gardens of neighbouring properties.

10. However, whilst the proposal would change the existing relationship between first floor windows and the rear garden of No 29, I am mindful that in suburban situations such as this that a level of mutual overlooking of nearby gardens is to be expected. The proposal would be unlikely to result in a loss of privacy to the rear garden of No 29 to the degree that would be harmful to its occupiers' living conditions. It is noteworthy that the recently secured planning permission permits a similar feature in the same position to that before me, which could be constructed in the event that this appeal was not successful. Moreover, I note that the Council did not include the effect of the proposal on the privacy of

nearby occupiers as a concern when it refused the planning application, the subject of this appeal.

11. However, in the event that the flat roof beyond the Juliet style balcony was used as a balcony, including for sitting out on, I find that its relationship to the rear garden and patio area of No 29 would result in a loss of privacy to the occupiers of this property whilst using their outdoor space. This matter could however be controlled by a suitably worded planning condition, which both main parties have confirmed is acceptable.

12. Accordingly, and subject to a condition restricting the use of the flat roof area beyond the Juliet balcony, I conclude that the living conditions of nearby occupiers would be preserved. There would be no conflict with the National Planning Policy Framework, which sets out at paragraph 127 that developments should create places with a high standard of amenity for existing and future users.

13. The concerns relating to roof drainage are noted, however the granting of planning permission does not permit encroachment on to third party land without the necessary consents being obtained.

Conditions

14. Conditions requiring compliance with the approved plans, and external surfaces to be constructed in materials to match the existing dwelling are necessary in the interest of certainty, and to protect the character and appearance of the host property and the surrounding area.

15. An additional condition which prevents the use of the flat roof at the rear of the property as a balcony is necessary to protect the living conditions of the occupants of the neighbouring property.

Conclusion and Recommendation

16. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and concur that the appeal should be allowed with the suggested conditions.

R C Kirby

INSPECTOR