



Appeal Decision

Site visit made on 23 November 2020 by Darren Ellis MPlan

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/V4630/D/20/3258689

44 Bluebell Road, Walsall Wood, WS9 9EU

- 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 Kiran Walia against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 20/0240, dated 26 February 2020, was refused by notice dated 3 July 2020.
 - The development proposed is a single storey side and front extension and two storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side and front extension and two storey side extension at 44 Bluebell Road, Walsall Wood, WS9 9EU in accordance with the terms of the application 20/0240, dated 26 February 2020, subject to these conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan drawing no. KW/BR/P08; Proposed Block Plan drawing no. KW/BR/P07; Proposed Ground Floor Plan drawing no. KW/BR/P04; Proposed First Floor Plan drawing no. KW/BR/P05; Proposed Elevations drawing no. KW/BR/P06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described on the Proposed Elevations drawing no. KW/BR/P06 and shall match those used in the existing building.

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.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular regard to light, outlook and privacy; and
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- The effect of the development on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site comprises a two-storey detached dwelling located in a cul-de-sac on Bluebell Road. The street is comprised of detached properties of varying sizes and built with similar materials and features. Some of the properties in the street have been previously extended. The proposed development would see the erection of a single-storey front and side and two-storey side extension.

Living conditions of the neighbours

5. The proposed two-storey extension would project 3.6m from the existing side elevation of the appeal property. The existing side elevation is set in from the boundary with No 137 by approximately 0.5m, therefore the two-storey extension would project about 3.1m along the boundary with No 137. The single-storey extension would project about an additional 1.325m and would be largely screened by the existing boundary fence. While the extensions would be alongside the rear-most section of No 137's garden, this mainly consists of trees and shrubs. Furthermore, the two-storey extension would be set well below the existing ridge line of the appeal property, which would lessen any impact of the extension on the neighbouring properties, including No 137.
6. Appendix D 'Numerical Guidelines for Residential Development' of the Designing Walsall Supplementary Planning Document (revised July 2013) (SPD) sets out minimum distances for residential development. The distance that is most relevant to this appeal is a 13m separation between habitable windows and blank walls exceeding 3m in height.
7. I note that the officer report states the two-storey extension would be 12.5m from the first-floor habitable room windows at 137 Holly Lane but goes on to state that it would be about 13m from the quarter point of the bedroom window in the rear elevation. Furthermore, the extension would not be directly in line with No 137 and occupiers would only have an oblique view of the extension from the first floor windows on the rear and side elevation. I am satisfied therefore that while there may be a slight conflict with the recommended separation distances in the SPD, for the reasons I have outlined, the proposal would not cause an overbearing impact to the windows or garden of No 137.
8. The Council states that the rear garden at 135 Holly Lane is between 5m and 5.8m in depth. The appellant states that the proposed two-storey extension would be approximately 8.83m from the rear boundary of No 135. I am satisfied therefore that the proposal accords with the suggested separation distances in the SPD. The single-storey extension would be about 1.325m closer to the boundary with No 135 but would be set behind the line of existing garage at the appeal property and, in any case, being single storey would be of limited height. In addition, as the two-storey extension would be set below the ridge height of the main dwelling and as part of the rear garden of No 135 nearest to the proposed extension currently houses a shed, the proposal would not cause a materially harmful overbearing impact to the rear garden of No 135, even given the depth of its garden.

9. The proposed first-floor window in the extension would be for a dressing room. The window would be on the front elevation and consequently would not directly face the windows at No 135. Given the oblique angle between the windows, the proposal would not cause any significant loss of privacy for the occupiers of No 135. Any loss of privacy caused by the installation of the patio doors in the rear of the single storey extension would be mitigated by the existing boundary treatment between the properties formed by a high close boarded fence.
10. The proposed extensions are of a sufficient distance from Nos 133 and 137A Holly Lane to ensure that they would not cause any overbearing impact or loss of privacy to these properties.
11. Nos 137 and 137A are to the south-west of the site of the proposed extension, and No 135 is to the west of the site. As a result of these orientations, the existing dwelling at the appeal site would cause some overshadowing of these neighbouring properties shortly after sunrise. However, the lower ridge line of the proposed two-storey extension would prevent any materially significant additional overshadowing to the neighbouring properties.
12. For these reasons, although there is some conflict with the guidance in the SPD, the proposed extension would not cause harm to the living conditions of the occupiers of the neighbouring properties. As such the proposal would accord with saved Policy GP2 of the Walsall Unitary Development Plan (2005) (UDP), which amongst other things seeks to prevent overlooking and a loss of privacy and to protect the daylight and sunlight received by neighbouring properties.

Character and appearance

13. The second reason for refusal states that the design and layout of the development would be over dominant in the character of the area. However, the Council's officer report does not raise any objections with specific regards to the effect on the street scene. I note that in the conclusion of the report it is stated that the proposed extensions are over-dominant to the neighbouring properties on the western side facing boundary. The issue of over-dominance and the overbearing impact is addressed above.
14. The proposed extensions would be subservient to the main dwelling, finished with materials to match the existing house and would be partially screened from the street by the existing garage. Furthermore, the appeal property would retain side and rear garden areas and therefore the extended dwelling would not over-dominate the plot.
15. For these reasons, the proposed extension would not detract from the character and appearance of the area. As such the proposal would accord with Saved Policies GP2 and ENV32 of the UDP and Policies ENV2 and ENV2 of the Black Country Core Strategy (2011), which all seek in various ways for development to be of a high-quality design that respects local character.

Conditions

16. The standard time limit condition and a condition specifying the approved plans are required to provide certainty.

17. In the interests of the character and appearance of the area, it is necessary for a condition requiring the external materials of the extensions to match the exterior materials of the existing dwelling.
18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, and planning permission granted subject to the conditions listed above.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, and planning permission is granted subject to the conditions above.

Z Raygen

INSPECTOR