



Appeal Decision

Site visit made on 18 February 2021

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/C4615/D/20/3262919

185 Tipton Road, Woodsetton, Dudley, DY3 1AQ

- 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 Dr Deborah Park against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/0789, dated 13 June 2020, was refused by notice dated 21 September 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 185 Tipton Road, Woodsetton, Dudley, DY3 1AQ in accordance with the terms of the application, Ref P20/0789, dated 13 June 2020, subject to the condition that the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plans PL-001 and Existing and Proposed Floor Plans PL-002.

Preliminary Matter

2. The description of the development proposed is given on the application as: *'erection of rear single storey extension 6m by 3m. Side window facing onto patio, French doors to rear of extension and roof lantern'*. However, the decision notice has changed the description to *'single storey rear extension (part retrospective)'*. I have determined this appeal based on the decision notice description, as I consider that it more accurately reflects the details given on the application plans.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of the ground floor flat at 187 Tipton Road, with regard to matters of outlook, daylight and sunlight.

Reasons

Living Conditions

4. At my site visit I observed that a blockwork shell at the same site and of similar dimensions to the proposed extension detailed on the application plans has been erected. Whilst it does not have a roof or windows and the openings for the proposed French windows and side window are not the same size as

detailed on the plans, I have nevertheless taken it as an indication of the overall scale and siting of the proposed extension.

5. The development would comprise a single storey flat roofed extension to the rear of the existing semi-detached house and along the boundary with the adjacent property at 187 Tipton Road. It is detailed on the plan as having a flat roof and to be no higher than 4m. At my site visit, I measured the height of the blockwork that has been constructed to be about 3.14m. The Council has stated that the application was determined as being a 3.4m high extension, taken from scaling the plans. Based on this, and the height shown on the plans relative to the existing house and windows, I am satisfied that it would be unlikely to be significantly higher than 3.4m when completed.
6. Facing the appeal site boundary are 3 ground floor windows that the Council has stated are to a kitchen, a sitting room and a bedroom to a ground floor flat at 187 Tipton Road. One of these windows does not directly face the side of the extension and the other 2 windows are over 4m away from it. I therefore agree with the Council that the extension would not be in breach of the Council's 45 degree code guidelines.
7. I understand that the extension has replaced a relatively high brick boundary wall. At my site visit I measured the remaining brick boundary wall as about 2.24m high. Whilst much of this boundary wall has been demolished, I have taken into account the likelihood that a brick wall of a similar height to this has previously been present along the boundary where the blockwork building is standing.
8. The extension would be north west of the windows to the ground floor flat at 187 Tipton Road and the existing 2 storey house is to the south of these windows. As such, the level of sunlight reaching these windows would have been affected by the relative orientation of the windows to the existing buildings and the boundary wall that has since been demolished.
9. Taking account of the above, I find that the height of the extension would not be sufficiently greater than that of the previous existing boundary wall, and the extension would be far enough away from the facing windows of the flat at No 187, to ensure that it would not appear unduly overbearing or cause any unacceptable harm to the amount of sunlight or daylight that these windows would receive.
10. I conclude on this main issue that the extension would not have an unacceptable effect on the outlook, sunlight and daylight at the ground floor flat at 187 Tipton Road.

Other Matter

11. The residents of 2 properties in Parkes Lane have objected to the application, but this is based on works to the rear of 185 Tipton Road which do not form part of this appeal proposal. Therefore, they are not relevant to my determination of this appeal.

Conditions

12. I have considered the condition suggested by the Council should the appeal be allowed. As I consider that the appeal development has already commenced, I have not included a condition stating the standard time for commencement.

However, I have included a condition to ensure compliance with the plans, as it is necessary for the avoidance of doubt and in the interests of proper planning. I am satisfied that this condition satisfies the tests in the Planning Practice Guidance.

Overall Conclusions

13. I find that the proposal would not cause any unacceptable harm to the living conditions of the occupants of the ground floor flat at 187 Tipton Road and would accord with Dudley Borough Development Strategy Policy L1, as it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings. It would also be in accordance with the Council's Supplementary Planning Document, Planning Guidance Note No 17 House Extension Design Guide, as it would not harm the level of daylight and outlook at adjacent properties. As such, the proposal would accord with the development plan as a whole. Therefore, for the reasons given and having regard to all relevant matters raised, I conclude that the appeal should succeed.

M J Whitehead

INSPECTOR