The Planning Inspectorate

Appeal Decision

Site Visit made on 9 February 2021 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/C4615/D/20/3262957
Kewstoke, Greenleighs, Sedgley, DY3 3RZ

- 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 & Mrs J Wiltshire against the decision of Dudley Metropolitan Borough Council.
- The application Ref P20/1033, dated 21 July 2020, was refused by notice dated 16 September 2020.
- The development is described as 'proposed detached garage and home office over'.

Decision

1. The appeal is allowed, and planning permission is granted for proposed detached garage and home office over at Kewstoke, Greenleighs, Sedgeley, DY3 3RZ in accordance with the terms of the application, Ref P20/1033, dated 21 July 2020, subject to the following 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 Dwg. Nos 1892-P-DG-01 and 1892-P-DG-02.

   3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

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 Matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

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

Reasons

5. The appeal site lies towards the southern end of Greenleighs, a narrow cul-de-sac, characterised by detached properties of varying size and design in generous landscaped plots. The properties in the vicinity of the appeal site sit below the road level, are set back from the highway by a modest distance and have a varied building line.

6. Although the proposed development would have a significant mass it would remain subservient to the host property. Its roof pitch would only be marginally steeper than the roof of the host property which would provide the immediate context for the proposed development. Moreover, whilst acknowledging that dormer windows are not prominent features on the host property, one is evident on the catslide roof on the northern side of the property and there are many examples of these features in the locality. As a result, the proposed development would contribute positively to the varied roofscape of the host property and the area. The use of materials to match the existing property, as proposed, would further mitigate any visual impact the proposed development would have on the host property.

7. The proposed development would sit forward of the front wall of the host property and would in consequence be contrary to the guidance set out in Planning Guidance Note 17 (PGN), which indicates that in normal circumstances, garages should be in line with or behind the front of the house. However, it is clear from the planning history that the Council has found a triple garage in this location acceptable and the locational characteristics of the proposal would be similar.

8. Moreover, the building would sit behind the front main wall of the neighbouring property at Woodlands, and at a lower level. As a result, it would be screened from views from the highway and it would not appear as a prominent or incongruous feature within the street scene. Consequently, it would not represent a typical situation envisaged by the PGN and would not result in harm to the character and appearance of the area, which the PGN seeks new garages to achieve.

9. Taking these findings together I conclude that the proposed development would respect the character and appearance of the host property and the surrounding area, in accordance with the aims of Policy ENV2 of the Black Country Core Strategy (2011), Policies S6 and L1 of the Dudley Borough Development Strategy (2017), Planning Guidance Note 17 - House Extension Design Guide and the Framework which jointly seek to create high quality buildings, and sustain and reinforce local character.

Conditions

10. The Council has suggested several conditions it would wish to see imposed in the event that the appeal was allowed. I have considered these against the guidance on conditions set out in the Framework and the Planning Practice Guidance.

11. To ensure that the development is undertaken as approved, a condition referring to the approved plans is necessary. A condition is also necessary requiring the proposed development to be constructed of materials to match the host property in the interests of the character and appearance of the area.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the recommended conditions.

R C Kirby

INSPECTOR