The Planning Inspectorate

Appeal Decision

Site Visit made on 4 May 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2021

Appeal Ref: APP/K3415/D/21/3269441
43 Ferndale Road, Lichfield WS13 7DJ

- 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 James and Katy Aston against the decision of Lichfield District Council.
- The application Ref 20/01295/FUH, dated 21 September 2020, was refused by notice dated 26 January 2021.
- The development proposed is proposed extensions and alterations.

Decision

1. The appeal is dismissed.

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 effect of the proposed development upon the character and appearance of the host dwelling and the street scene; and

4. Whether the personal circumstances of the appellants outweigh any harm in respect of the development.

Reasons for the Recommendation

Character and appearance

5. No 43 is a two-storey detached dwelling with a single storey garage located to the side of the dwelling. The dwelling is set back from the roadside behind a large driveway and front garden and the neighbouring dwelling is a similarly designed building. The dwellings typically follow a traditional post-war design and have a largely consistent appearance despite some variation in detailing, materials and various extensions. The buildings are generally two storey side gabled dwellings constructed from red brick with some variation in their fenestration. The width of the dwellings, with the smaller architectural details including the windows, gives the dwellings a horizontal emphasis. To the east of the dwelling is a group of bungalows that evidently break from this consistent design approach given their scale and appearance.

6. The roof for the proposed front gable addition would extend over the garage and would wrap around the side of the house to create a 'cat slide' roof. This would cover the flank wall of the dwelling and would introduce an uncommon

feature into the street scene. Given the lower height of the bungalows to the east, this unusual side elevation would be highly visible and would introduce an incongruous feature to both the host dwelling as well as the street scene.

7. The windows on the host dwelling on the first floor are wider on the horizonal plane, whereas the proposed front extension would have tall and relatively narrow windows. This would, in conjunction with the proposed cladding on only the extended part of the dwelling, create a contrasting appearance between the two elements of the building. The proposed extension would have a very modern appearance with a vertical emphasis which would not marry well with the traditional post-war design of the building. The proposal would therefore result in the two elements of the building appearing disunited and create an incoherent design overall. Whilst there is some variation in the appearance of the dwellings locally, the design of the front extension would contrast not only with the surrounding development but with the dwelling itself.

8. The roof of the proposed rear extension would be slightly higher than the main ridge of the host dwelling and would be a large and bulky feature visible over the adjacent bungalows. While two-storey rear extensions are not unusual in the area, the combined scale and massing of the proposed front, side and rear extensions would dominate and overwhelm the original property, to the detriment of the character and appearance of the host dwelling and the estate.

9. Given the layout of the wider estate, various front, side and rear extensions are visible within the street scene. Nevertheless, in those instances the extensions are typically subservient in scale and appearance to the host dwelling, which would not be true of the appeal proposal. Those examples drawn to my attention also have window and roof forms consistent with those of their host dwelling, and as such have not significantly altered the overall character or appearance of the street scene. None are therefore comparable to the scheme before me.

10. Whilst it may be possible to extend the dwelling using permitted development rights, there are no plans of such an alternative before me, and from the description provided by the appellants the scale of such extensions would be less than what is now proposed. In particular, the rear extension would be less deep and narrower than is currently proposed, and a two-storey front extension could not be built. Therefore, it has not been demonstrated that any extensions that could be erected as permitted development would have a comparable impact on the character and appearance of the area.

11. Therefore, the proposal would harm the character and appearance of both the host dwelling and the street scene. Consequently, the proposed development would be contrary to Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy 2008 – 2029 (LP) (adopted 2015) insofar as they require development to protect and enhance the character and distinctiveness of Lichfield District and the surrounding area and development. Furthermore, the proposals would be contrary to the Sustainable Design Supplementary Planning Document (2015) which notes that design must integrate into its context and surroundings. Finally, the proposal would be contrary to paragraph 127 (a) of the National Planning Policy Framework which seeks to ensure developments function well and add to the overall quality of the area.

Personal circumstances

12. The appellants advise that there would be a need to adapt the home to make it suitable given the evolving needs of an appellant who has a disability that could worsen over time. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability is a relevant protected characteristic to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home and is engaged in this case. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.

13. The proposed extensions would create a more adaptable living area on the ground floor of the building which could allow the appellant to live on that level and provide room upstairs for a live-in carer in the future, if one were needed. The proposal would therefore address their needs now and in the future. If planning permission were to be refused, the appellants might continue to live in a property which would not be ideal for their evolving health concerns and this would result in some harm to someone with a protected characteristic.

14. However, while I appreciate that the appellant's needs are likely to continue to evolve, it has not been demonstrated that this amount of accommodation will be needed. Nor is there any substantive evidence before me that the desired accommodation cannot be achieved in another way which does not harm the character and appearance of the area. In particular, I note the number of sizeable extensions of more sympathetic appearance that the appellants have identified. Moreover, the potential fall-back position appears to offer scope to expand the available accommodation. It has not therefore been demonstrated that this proposal, and the resulting harm, are necessary to meet the current or potential future needs of the appellants. These matters reduce the weight that I can give to the personal circumstances of the appellants, nonetheless those circumstances carry modest weight in favour of the proposal.

15. Given the importance placed upon the need for development to achieve high-quality design and protect and enhance character and distinctiveness in both the development plan and the Framework, I afford the conflict with the relevant policies substantial weight. Therefore, in this case the appellants' personal circumstances do not outweigh the harm identified above. Refusal of permission would be proportionate and necessary and would not unacceptably violate the family's rights under Articles 1 and 8. The protection of public interest cannot be achieved by means that are less interfering of their human rights.

Conclusion and Recommendation

16. There are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR