



Appeal Decision

Site Visit made on 1 June 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/P1805/W/21/3270229

36 Dragoon Fields, Bromsgrove, Worcestershire B60 2EX

- 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 Andrew Harding against the decision of Bromsgrove District Council.
- The application Ref 20/00511/FUL, dated 28 April 2020, was refused by notice dated 18 December 2020.
- The development proposed is a double rear extension and ground floor side extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted 3 sets of plans with the appeal, which are variations of the proposed development that were submitted as part of the planning application process. The Council's second reason for refusal relates to a proposed Juliet balcony on the rear elevation of the appeal property and the effect this would have on the privacy of the occupiers of the attached neighbouring property. The plans labelled "Design 3" submitted with this appeal now show a window in place of the Juliet balcony, presumably to overcome this reason for refusal. I am satisfied that the change from a Juliet balcony to a window does not materially alter the scheme and that the proposals remain the same in all other respects, and so using these plans would not unfairly prejudice other parties. I have therefore determined the appeal using the plans labelled "Design 3".

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the appeal property and the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of No 34 Dragoon Fields, with particular regard to privacy.

Reasons

Character and appearance

4. Dragoon Fields is a residential road comprising mostly semi-detached and terraced dwellings. The road includes a right-angled corner turn part way down, and the appeal property, which is semi-detached, occupies the corner plot within this turn of the road. Due to this corner location, its front and side

elevations both front on to the road. The neighbouring properties are generally consistent with the appeal property in terms of design, size and style.

5. There is a large garden to the rear of the appeal property which is well screened from the road by a tall timber fence. Neighbouring properties along the eastern side of Dragoon Fields benefit from similarly large gardens, which provides a good level of openness to the rear of these properties. This openness is particularly notable from the northern most section of the road (running west to east) and contributes positively to this street scene.
6. The Bromsgrove District Council High Quality Design SPD (adopted June 2019) (Design SPD) sets out guidelines for householder extensions to ensure they integrate well with both the existing dwelling and the surrounding area. Several of these guidelines establish parameters for roof design. Paragraph 3.4.2 says that two storey extension proposals should always match the main pitch of the roof. Similarly, paragraph 3.1.8 says that *"the roof form (type and angle of pitch) should match that of the original development (particularly where a two storey extension is proposed) and that of the adjoining property. This contributes to the harmony of the building and avoids the long term maintenance problems associated with flat roofs"*.
7. The development proposals fail to satisfy these guidelines. The side extension and part of the rear extension both incorporate flat roofs, which are actively discouraged by the Design SPD. Moreover, the cat slide roof on the rear side elevation of the extension does not match the current hipped roof design of the appeal property and its neighbouring dwellings. The proposals would lead to a dwelling with 3 separate and distinct roof designs, which would appear mismatched. The Design SPD is clear that such variations in design should be avoided, particularly where a two-storey extension is proposed. These inconsistencies in roof design would cause a significant imbalance to the symmetry that the appeal property currently shares with its attached neighbouring property, as well as other neighbouring properties along the road. This imbalance would be harmful to the street scene, particularly on the northern most parts of the road, where the side and rear of the appeal property are so visible.
8. Paragraph 3.1.5 of the Design SPD says that extensions should complement the scale, general massing and materials of the existing building. The rear extension, which runs the full width of current dwelling and the side extension, would extend out from the current rear elevation by approximately 4.1m. This is a substantial addition to the main house, increasing its depth by more than two thirds. Due to the open corner location of the appeal property, this sizeable extension to the appeal property would appear dominant, especially as none of the neighbouring properties along the eastern side of Dragoon Fields have been extended at the back to include two storeys. The dominance of the extension would interrupt the open corridor of back gardens which is experienced from the northern most sections of Dragoon Fields, which would be harmful to this aspect of the street scene.
9. The proposal would cause considerable harm to the character and appearance of the appeal property and the surrounding area, and would therefore conflict with Policies BDP 19.1(a) and (e) of the Bromsgrove District Plan 2011 – 2030 (adopted January 2017), which require new development to contribute positively to the character and distinctiveness of the local area and to adhere to

relevant guidance in order to achieve good design. The development would also be contrary to paragraphs 3.1.5, 3.1.8 and 3.4.2 of the Design SPD.

Living conditions

10. As set out in the preliminary matters, the Council's second reason for refusal concerned the effect of the proposed development on the privacy of the occupiers of No 34. This was due to a Juliet balcony which was originally included on the rear elevation of the main dwelling, which would directly overlook the garden of No 34.
11. The amended plans submitted with this appeal have removed the Juliet balcony from the rear elevation of the property, and now include a window in its place. Given the existing windows on the rear elevation of the appeal property at first floor level, the new fenestration would not lead to any increased overlooking of the garden of No 34 when compared to the existing arrangement. The extension has also been designed to ensure that a 45-degree angle is retained from the windows of the neighbouring property's habitable rooms at the rear of the first floor, as required by paragraph 3.1.7 of the Design SPD.
12. As such, the proposed development would not impact on the privacy enjoyed by the occupiers of No 34. In this respect, the proposals would comply with paragraph 3.1.7 of the Design SPD and Policy BDP 1.4(e), which require new development to protect neighbouring amenity by avoiding an unacceptable level of overlooking.

Conclusion

13. I have found that the proposal would not cause harm to the living conditions of the occupiers of No 34 Dragoon Fields. However, it would cause harm to the character and appearance of the area and would therefore not accord with the development plan as a whole. For these reasons I conclude that the appeal should be dismissed.

James Blackwell

INSPECTOR