



Appeal Decision

Site Visit made on 1 June 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/V4630/D/21/3270908

17 Rushall Close, Walsall WS4 2HQ

- 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 Mukesh Balu against the decision of Walsall Council.
 - The application Ref 20/1254, dated 7 September 2020, was refused by notice dated 11 January 2021.
 - The development proposed is two storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extension at 17 Rushall Close, Walsall WS4 2HQ in accordance with the terms of the application, Ref 20/1254, dated 7 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan: Scheme A (DWG No 21. 20. 100 Rev B).
 - 3) The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building, including brick coursing detail above the door and windows on the principal elevation.
 - 4) Notwithstanding the details as submitted, the south east side facing bathroom and en-suite bathroom windows hereby permitted, shall be obscure glazed (to Pilkington Level 4 or equivalent). They shall be non-opening below a height of 1.7 metres measured from the internal finished floor level for each room. The windows shall be installed in accordance with these requirements and shall thereafter be maintained and retained in accordance with these details.

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 Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in

respect of the publication. Any comments received have been addressed within the appeal decision.

4. During the appeal it became apparent that an elevation was missing from the submitted plans, which the appellant has now provided. As this corrects a drawing error and does not alter the scheme, I consider that no party would be prejudiced by my accepting the corrected drawing.

Main Issue

5. The effect of the proposed development upon the host dwelling and the street scene.

Reasons for the Recommendation

6. No 17 is a detached dwelling located between two similarly designed dwellings near the end of a cul-de-sac. The dwellings in the area vary in appearance but are typically grouped with similarly designed houses and because of this, the gaps between the houses vary in width. The street scene is open plan with dwellings set back from the road behind relatively large front gardens and driveways.
7. The proposed side extension would be as wide as the existing garage and would be set down from the ridge height of the host dwelling and set back from the front elevation. It would retain a gap of around 1 metre between the flank wall of the extension and that of No 19 and combined with the hipped roof, this would ensure that the proposal would not create a terracing effect with No 19. The roof form and set backs would also ensure that, whilst the extension would be a similar width at first floor level to the host dwelling, it would appear subservient to it. Furthermore, it would retain a visual separation between the front gable of the host dwelling and No 19, such that those would remain the dominant features of those dwellings in the street scene.
8. Whilst No 17 and the two neighbouring dwellings do not extend across the full width of the plot above the ground floor, there are several dwellings within the street scene that do so, either due to their original design or later extensions. Therefore, given the subservient appearance of the proposed extension, the appeal proposal would not appear out of character within the street scene.
9. Due to the layout of the surrounding development, the proposed rear extension would not be overly visible within the street scene behind the host dwelling or the proposed side extension. Furthermore, given the scale of the proposed rear extension it would appear subservient to the host dwelling.
10. With a long driveway and area of hardstanding to the front of the dwelling, there would be sufficient space for additional parking on the site frontage to address the potential increase in demand from the enlarged dwelling. Therefore, it would not lead to an increase in on-street parking. There is therefore no need to impose a planning condition to secure additional parking, as the Council suggests. In addition, the host property would retain a good-sized garden comparable with others in the area. As such, the proposal would not lead to overdevelopment of the site.
11. Therefore, the proposal would not cause harm to the character and appearance of either the host dwelling or the street scene. Consequently, it would comply with Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy

(adopted 2011) as well as Policies GP2 and ENV32 of the Walsall Unitary Development Plan (adopted 2005) and the Designing Walsall Supplementary Planning Document for Urban Design (adopted 2008 and revised 2013) which collectively require high-quality design that takes account of local character.

Other Matters

12. Neither the first floor or ground floor elements of the proposed rear extension would breach a 45 degree line when taken from the rear habitable rooms window of the neighbouring dwellings. As such, it would comply with the Council's 45-degree code, which seeks to safeguard neighbours' living conditions. Therefore, the proposal would not appear unduly overbearing to the neighbouring occupiers.
13. Given the orientation of the two dwellings and the depth of the proposed rear extension, the proposal would not significantly or adversely affect the sunlight that would reach No 15, which is located to the south west of the dwelling. There may be some reduction in sunlight to No 19 for a period in the afternoon, however this would only be for a short period of time. Additionally, whilst there would be some light lost to the landing and stairwell window, these are not habitable rooms and as such this would not significantly impact on the living conditions of the occupiers. Consequently, the proposed extensions would not significantly adversely affect the living conditions of neighbouring occupiers in respect of light.
14. The proposed extensions would not bring the front elevation of the dwelling closer to the properties on the opposite side of the road than at present. While it would increase the number of facing windows, given the separation distances between the dwellings, the proposal would not result in overlooking of those dwellings to a point where it would cause harm to the occupiers' living conditions. Additionally, given the orientation of the dwellings, as well as the distances between them, the proposed extensions would not give rise to overlooking of the rear gardens of the dwellings along Rushall Manor Close.

Conditions

15. In addition to the statutory commencement condition, in the interests of certainty it is necessary to ensure that the development is completed in accordance with the approved plans and for the materials used to match those used in the existing dwelling. I have however used the wording from the Council's committee report for the materials condition as it is more precise than that suggested in the questionnaire.
16. The Council's committee report recommended a condition to ensure that the proposed rear and side bathroom windows at first-floor level were fitted with obscure glazing with limited openings, in the interests of privacy. I consider this necessary in respect of the side windows to safeguard the living conditions of the occupants of the neighbouring dwellings. However, the rear en-suite window would have no greater impact than the bedroom windows either side, and as such it is not necessary to require it to be obscured. I have also amended the suggested condition to clarify that the windows must be installed in the specified form.
17. The Council recommends a condition removing permitted development rights for side openings to safeguard the amenity of neighbours. However, to be

permitted development any side openings above ground floor level would have to be obscure glazed and fixed to a certain height, and as such would not result in any overlooking. Therefore, the condition is not necessary.

Conclusion and Recommendation

18. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

19. 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 allow the appeal, subject to the conditions set out in Schedule 1 of this decision.

L McKay

INSPECTOR