
Appeal Decision

Site Visit made on 10 August 2021

by John Gunn Dip TP, Dip DBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/C3430/D/21/3277142

25 Long Lane, Newtown, WS6 6AT

- 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 and Mrs Murphy against the decision of South Staffordshire District Council.
 - The application Ref 21/00085/FUL, dated 27 January 2021, was refused by notice dated 26 May 2021.
 - The development is described as 'Proposed 2 storey side and rear extension. Flat roof extension to rear. Loft conversion'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 which have been received have been addressed within the appeal decision.
3. On my site visit I noted that building works had commenced at the appeal site, however I have no evidence before me to indicate the extent of the development involved. Consequently, my decision will be based on the planning application details considered by the Council which is now the subject of this appeal.

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

Character and appearance

5. The appeal site is located within an established residential area characterised by a mix of detached, semi-detached, and terraced dwellings interspersed by a small number of bungalows. Long Lane is a straight road. It has no identifiable building line, with some properties located directly adjacent to the back edge of the footway, and others having more spacious, landscaped front gardens. The dwellings in the locality have a wide range of designs and have evolved over a period of time resulting in a varied pattern of buildings in terms of location,

scale, and design. They utilise a varied palette of materials. The appeal property comprises a semi-detached house, set back a modest distance from Long Lane. It is constructed in brick and tile and has a hipped roof similar to other properties within the lane. In scale and design terms, it retains a degree of symmetry with its adjoining neighbour.

6. Whilst it would be set back from the front wall of the host dwelling, the proposed extension would be of the same height. It would also be of significant mass and scale in relation to the host dwelling. I note the variety of building types and designs locally but the substance of the extension, in association with the proposed materials, finishes and use of a half hipped roof form, would appear as non subservient and incongruous addition which would unbalance the symmetry of the semis, making the resulting building unacceptably stand out in the street scene. The proposed rear dormer would have limited visual impact in the public realm. That said, and in combination with the proposed extension, it would add more mass to the dwelling and interrupt the largely unbroken nature of the roofscape of the two semis. This would add to the harm that I have found.
7. In light of the above I conclude that the proposed development would cause harm to the character and appearance of the host property and the surrounding area. This would be contrary to Policy EQ11 of the South Staffordshire Core Strategy 2012 and the National Planning Policy Framework. These policies jointly seek developments of high quality design that respond to a site's immediate surroundings in terms of scale, volume, massing, and materials.

Other Matters

8. I have carefully considered the reasons why the appellant's have applied for planning permission to extend their property as set out in their statement. I have also taken into account documentation from Walsall Council's Children's Services Directorate and the Charlie Caterpillar's Day Nursery. In particular I note that for health reasons and existing specific conditions, a member of their family would benefit from a Safe Space/Sensory Room within the home. On the evidence I have seen, I have no doubt that the proposed extension would make the appellants lives much easier, both on an individual basis and as carers. These are personal circumstances to which I afford weight in favour of the appeal.
9. In weighing these personal circumstances in the balance, I do so against the identified harm that would be caused to the character and appearance of the host property and the surrounding area and the subsequent conflict there would be with the development plan.
10. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
11. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that harm to the character and appearance of the host property and the surrounding area is

avoided. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's and their family member's human rights. Therefore, whilst I acknowledge the personal circumstances of the appellant's, and their family member's, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of my conclusions on the main issue of the case.

12. Planning permission was granted in 2015 for the demolition of Providence House and its replacement with a modern dwelling. The appellants advance that this is an example of inconsistent decision making on the Council's part. From the limited evidence I have on this case before me, I cannot be certain that its circumstances are sufficiently similar to the case before me such that I should allow the appeal.
13. The appellant also suggests that existing extensions to properties within Long Lane set a precedent for the appeal proposal. During my site visit I saw a number of extensions that have some similarities with the appeal proposals but in each case the design of the development and its relationship to the host property and its neighbours, was different to that proposed. Moreover, I am not aware of the circumstances that prevailed when the extensions were built. They do not justify the proposed development or provide good reason for allowing harmful development. In any case, each development should be determined on its individual merits, and this is the approach that I have adopted.

Conclusion

14. For the reasons I have given, there are no relevant material considerations bearing sufficient weight to indicate a decision otherwise than in accordance with the development plan. It is for this reason that the appeal should be dismissed.

John Gunn

INSPECTOR