



Appeal Decision

Site Visit made on 23 August 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/C4615/D/21/3273748

23 Brook Holloway, Wollescote DY9 8XJ

- 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 Adam Turvey against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/1610, dated 20 October 2020, was refused by notice dated 12 March 2021.
 - The development proposed is a two storey side/rear extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side/rear extension and single storey rear extension at 23 Brook Holloway, Wollescote DY9 8XJ in accordance with the terms of the application, Ref P20/1610, dated 20 October 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 the following approved plans: GD2204/02 rev D, GD2204/03 and GD2204/04A.
 - 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 building.

Preliminary Matters

2. I have taken the description of development from the appeal form, which is the same as that used in the Council's decision notice, as this accurately reflects the revised proposal. I note that the glass verandah and extended patio area were removed in the revised scheme. The revised plans also reduced the extent to which the proposed two storey extension would project from the rear of the property and altered its roof design.
3. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). Since the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal and as such their cases would not be prejudiced, I have not consulted the main parties on the revised Framework. I have referred to the 2021 iteration of the Framework in my findings.

Main Issue

4. The effect of the development proposed on the living conditions of the neighbouring occupiers of 21 Brook Holloway, with particular regard to outlook and light.

Reasons

5. The appeal property is a semi-detached two storey dwelling which is located on the northern side of Brook Holloway within a row of properties and is set back and elevated from the road. The site includes gardens to the front and rear and a driveway which extends to the side of the property. The proposal is to construct a two storey extension to the side and rear of the property and a single storey rear extension. The proposed two storey extension would extend towards the boundary with 21 Brook Holloway but would retain a gap to the boundary with that property.
6. There is a noticeable slope along Brook Holloway such that No 21 is situated at a markedly lower level than the appeal site. The neighbouring property includes a single storey side extension which lies adjacent to the boundary with the site and a rear conservatory. The conservatory is fully glazed to the side elevation facing the appeal site. The neighbour's property also has a bedroom window to its rear elevation which is situated relatively close to the boundary with the site.
7. The two storey side and rear extension would be positioned about 4.5m from the conservatory to the rear of No 21. There is a timber fence and mature hedge on the boundary between the host property and the neighbour which overshadows the neighbour's conservatory and that part of their garden closest to the site. Bearing in mind the separation distance between the proposal and the neighbouring property, and the extent to which the existing fence and hedge already have an overshadowing effect on the neighbour's conservatory, I consider that the proposal would not result in any significant loss of light or overbearing effect on the neighbour's outlook.
8. The Council's Planning Guidance Note No 17 – House Extension Guide (PGN17) advises that extensions will be assessed against a 45 degree code. The plans indicate that the proposed two storey extension would not breach the 45 degree code in relation to the neighbour's first floor bedroom window nearest to the boundary with the appeal site. The proposal would be situated to the east of No 21, which also reduces its impact on light to that neighbour.
9. To conclude on this main issue, I consider that the appeal scheme would not be harmful to the living conditions of the neighbouring occupiers of 21 Brook Holloway with regard to outlook and light. Consequently, it would not be contrary to Policy L1 of the Dudley Borough Development Strategy (2017) (DS) and guidance contained in PGN17. Amongst other things, these seek to ensure that development would not be harmful to the amenities of neighbouring occupiers.
10. The reason for refusal also refers to Policy S6 of the DS and Policy ENV3 of the Black Country Core Strategy (2011). However, these policies do not specifically refer to consideration of neighbouring living conditions and I have not identified any specific conflict with these policies.

Other Matters

11. An objection has been received relating to the effect of the development proposed on 25 Brook Holloway in terms of overshadowing; however, I note that the Council do not object in this regard. The Council states that the dimensions of the proposed single storey extension would relate to those that can be carried out under permitted development rights. The impact of the proposed single storey rear extension in comparison to a rear extension that could be permitted development would not be significant, with regard to outlook or natural light at No 25, which represents a legitimate fallback position. The two storey extension would be set further away from the boundary with No 25, would not breach the 45 degree code in relation to the neighbour's first floor rear windows, and would be unlikely to result in any significant adverse effect on the occupiers of that property in terms of light and outlook.
12. The original plans proposed a rendered extension; however, with the submission of the amended plans the render was removed and the proposed extension would instead be constructed in facing brickwork to match the existing building. The appellant states that they fail to understand the objection to render and notes that many properties on the road and surrounding area include elements of render. However, during my site visit I observed that the predominant facing material in the area is brick and the use of render in this case would not assimilate with the host property. I therefore consider that the proposal should be constructed in brickwork to match the existing building and this can be secured by condition.
13. My assessment of the appeal has been based on the merits of the proposal before me. I make no comment on the glass verandah and extended patio area which featured in an earlier iteration of the scheme as these were removed from the plans and do not form part of the current proposal.

Conditions

14. I have had regard to the Council's suggested conditions. I have attached the standard time limit condition and a condition specifying the relevant plans as this provides certainty. As identified above, a condition requiring materials to match the existing property is necessary in order to ensure a satisfactory appearance. The Council has suggested a condition requiring the proposed first floor windows to be installed in the side of the building to be obscure glazed and non-opening. However, the plans do not indicate any new first floor windows in the side elevation of the building and such a condition is unnecessary.

Conclusion

15. For the above reasons, and subject to the conditions specified, the appeal should be allowed.

Mark Ollerenshaw

INSPECTOR