



Appeal Decision

Site visit made on 16 November 2021

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2021

Appeal Ref: APP/C4615/D/21/3281929

27 Lychgate Avenue, Pedmore, Stourbridge DY9 0TS

- 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 Mrs F Nazari against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1048, dated 21 May 2021, was refused by notice dated 11 August 2021.
 - The development proposed is two storey and single storey rear extensions, side dormer, garage conversion and alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description used in the header above is taken from the application form. However, the Council's decision notice and the appellant's appeal form both describe the proposed development as 'First floor side extension, two storey and single storey rear extension and garage conversion'. I consider that this description more accurately reflects the development proposed, and therefore I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and on the living conditions of neighbouring occupiers in terms of overlooking.

Reasons

Character and appearance

4. The appeal property is a semi-detached mucklow style dwelling located within a residential area, which is characterised by generous open frontages giving a pleasant residential character and feel. Many of the properties are semi-detached and whilst there have been some alterations and extensions overall the existing style and appearance remain creating a sense of uniformity.
5. The property currently shares a symmetry in appearance with its adjoining dwelling and the properties are therefore clearly read as a pair of semi-detached houses. Two further pairs of semi-detached mucklow style properties exist either side of the appeal site which also retain their symmetry in appearance, and further add to the character of the area and sense of uniformity.

6. The appeal property itself has a prominent position in the street scene by virtue of its siting and the curvature of the street. The front and side elevations of the existing dwelling in particular are exposed to public view and as such are noticeable within the street scene and consequently impact on the local character.
7. The proposed development includes a first floor side extension which would join onto the proposed two storey rear extension. Although set back from the front elevation and set down from the existing ridge line, this would result in the loss of the symmetry with the adjoining property and disrupt the appearance and balance of the semi-detached dwellings. Furthermore given the prominence of the elevation concerned the development would appear an incongruous feature that would have a detrimental effect on the character and appearance of the area.
8. Additionally, although I acknowledge that the single storey rear extension and a large part of the two storey rear extension would not be immediately visible from the wider vista, when taken as a whole I consider that by virtue of its scale and mass the proposed development would form a dominant addition which would be detrimental to both the character of the host property and the wider area.
9. I therefore conclude that the development would harm the character and appearance of the area and conflict with Policies L1 and S6 of the Dudley Borough Development Strategy, Policy ENV2 of the Black Country Core Strategy and the Council's Supplementary Planning Guidance PGN 17 'House Extension Design Guide' which seeks, amongst other matters, to ensure that developments respect and contribute to the character of the local area.

Living conditions

10. Concerns have been raised in respect of the two storey rear extension and its impact on the living conditions of neighbouring occupiers, in particular No 7 Bank Farm Close, with regards to overlooking.
11. The Council's Supplementary Planning Guidance PGN 17 states that to maintain a reasonable degree of privacy facing habitable room windows should be a minimum of 22 metres apart. The proposed development would result in the separation distance being marginally below this figure at approximately 19 metres.
12. However, whilst acknowledging that the ground levels of the properties to the rear are set slightly lower, I consider that there would remain a sufficient separation distance between any habitable room windows. Furthermore I do not consider this distance to be significantly different to those which already exist in the locality. Consequently, I do not consider that the proposal would result in any significant overlooking issues which would unduly effect the living conditions of neighbouring occupiers.
13. For those reasons, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of neighbouring properties.

Other Matters

14. The appellant has drawn reference to a Lawful Development Certificate P21/1530 under Section 192 of the Act which was granted on 20 September 2021 as a potential 'fallback' position. The certificate is in relation to a proposed two storey rear extension, side dormer and garage conversion.
15. Although broadly similar to the appeal proposal, the 'fallback' position would be smaller in scale. The rear extension in particular would be significantly smaller than that of the appeal proposal. Furthermore, the side dormer would also be reduced in scale due to it not adjoining the rear extension as per the appeal proposal. As a result I find that the development under the Lawful Development Certificate would be less harmful than the proposal before me when viewed from Lychgate Avenue, and I give this consideration limited weight in this appeal.
16. I also note that the appellant has referenced a small number of first floor side extensions which have been constructed on other properties in the area. Whilst I do not have the specific details of the cases referred to it is noted that, with the exception No 37 Lychgate Avenue, none of the properties mentioned are within the immediate vicinity of the appeal property. In any case their presence does not justify the further harm which I have identified that the appeal proposal would cause.

Planning Balance and Conclusion

17. I have identified that the proposal would cause harm to the character and appearance of the area. Whilst the development would be acceptable in terms of its effect on the living conditions of occupiers of neighbouring properties and not result in any further harm being caused, this is of neutral effect when weighed in the planning balance.
18. The proposal would conflict with the development plan and there are no material considerations which would outweigh this finding. For the reasons given above the appeal is therefore dismissed.

David Jones

INSPECTOR