
Appeal Decision

Site Visit made on 31 August 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/C4615/D/21/3274560

42 Feldon Lane, Halesowen B62 9DT

- 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 Smeena Bashir against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/0255, dated 9 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension at 42 Feldon Lane, Halesowen B62 9DT in accordance with the terms of the application, Ref P21/0255, dated 9 February 2021, subject to the following conditions:
 - 1) The development hereby approved shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the approved plans submitted with the application showing the proposed elevations and floor plans.
 - 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.

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. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with a further opportunity to make submissions in respect of the publication. The submitted comments related to the changes in the paragraph numbers and wording but did not fundamentally alter either case.
4. In the interests of clarity, I have taken the description of development from the decision notice, which was also used on the appeal form, but I have removed the term 'part retrospective' from the description because work on the first-floor extension did not appear to have commenced.

Main Issue

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

Reasons for the Recommendation

6. No 42 is a semi-detached dwelling in a suburban residential area where dwellings vary in character and appearance. No 44 has a two-storey side extension with part flat roof which extends around the back of the dwelling. No 40 and several other properties in the area have flat roofed single storey extensions. Therefore, small flat roofs are part of the character of the local area.
7. The host property has a large, flat-roofed box dormer and a sizeable flat-roofed single storey rear extension below. These have significantly altered the appearance of the rear elevation, with the roof alterations largely obscuring the original rear roof form. The proposal would occupy the space between these existing extensions and would be modest in scale and depth. Consequently, it would appear subservient to the extended dwelling and, given the presence of other flat roofs in the vicinity, the flat-roofed form would not appear prominent or incongruous.
8. The Council's Planning Guidance Note No.17 'Housing Extension Design Guides' (PGN) seeks to ensure that extensions relate to the design and character of the original house. It states they should match roof shape and pitch, but also that a combination of flat roof and pitched roof may be acceptable if required to maintain neighbour's daylight and the extension is not prominent. Part of the first-floor flank wall of the proposed extension would be visible from public viewpoints, glimpsed through the gap between Nos 40 and 42. Otherwise, the proposal would be seen from neighbouring properties in conjunction with the much larger flat roofed extensions. Given its modest scale it would not be prominent, and while it would have a different roof form to the original dwelling, it would relate closely to the design of the existing rear elevation.
9. The dwelling is covered by both white render and red brick and it is proposed that the extension would be brickwork to match the host dwelling. As the proposal would be modest in scale and would appear subordinate to the host dwelling, the use of either material to match the existing property would be appropriate and would not appear incongruous or contrived. This can be secured by condition.
10. Therefore, the proposed rear extension would not harm the character and appearance of the host dwelling or the street scene. Consequently, the proposal would not conflict with Policies S6 or L1 of the Dudley Borough Development Strategy (adopted 2017) or Policy ENV2 of the Black Country Core Strategy (adopted 2011), which require development to be responsive to the character and visual amenities of the local area, and of an appropriate form, siting, scale and mass, with the use of appropriate materials.
11. Furthermore, the proposal would generally be in accordance with the PGN and with Framework paragraph 130 which states, amongst other things, that development should be sympathetic to local character.

Other Matters

12. The proposal would result in some shading of the adjacent first-floor window and conservatory of No 44 in the evenings, however due to its limited depth and height this would only be for a short period. These neighbouring rooms face south and as such would benefit from daylight and sunlight for the much of the rest of the day. The proposal would be visible from the first-floor room and garden of No 44 and the existing extensions will already have changed the outlook from these areas. However, given its shallow depth the proposal would have a limited additional impact and would not significantly enclose the view from this window, or harmfully reduce the outlook from those areas.
13. The proposed first-floor windows would be set slightly further back than the existing but would serve the same two bedrooms as currently. Therefore, the proposal would not materially increase overlooking of No 44. Consequently, the proposal would not significantly adversely affect the living conditions of the occupiers of No 44 in respect of light, outlook or privacy. While I note the neighbours' concerns regarding overlooking from the dormer, this is not part of the scheme before me.
14. No 40 is set forward of No 42 with a gap between the two properties. The proposal would extend further beyond the rear of No 40 at first floor level than the existing dwelling and would result in some overshadowing of the adjacent first-floor rear window in the mornings, however this would only be for a short period. Given the depth of the single storey extension to No 40 the proposal would not affect light to its ground floor windows. Consequently, the proposed extension would not significantly adversely affect the living conditions of the occupiers of No 40 in respect of light.

Conditions

15. In addition to the materials condition referenced above and 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.

Conclusion and Recommendation

16. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons given above, the proposal would accord with the development plan as a whole and, having had regard to all other matters, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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.

L McKay

INSPECTOR