



Appeal Decision

Site visit made on 14 December 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2021

Appeal Ref: APP/C4615/D/21/3283423

51a Ashdown Drive, Wordsley, Stourbridge DY8 5QY

- 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 Dean Pitts against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/0138, dated 18 May 2021, was refused by notice dated 13 July 2021.
 - The development is single storey front/side extension with new front canopy (retrospective).
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Decision

1. The appeal is dismissed

Procedural Matter

2. At the time of my site visit, the works included within the application had been undertaken in accordance with the submitted plans.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - whether appropriate living conditions would be provided for the future occupiers of the development, with regards to access to garden space;
 - the effect of the development upon the living conditions of the occupiers of the neighbouring property at 51 Ashdown Drive;
 - the effect of the development upon highway safety; and
 - the effect of the development upon the character and appearance of the Wordsley Hospital Conservation Area.

Reasons

Character and appearance

4. The appeal site consists of an existing bungalow located near to several other houses. A feature of the existing buildings in the surrounding area is the presence of pitched roofs.

5. The proposed extension would have a significant footprint and would be located to the side of the existing dwelling. In result, the development adds significantly to the size of the existing dwelling.
6. Furthermore, the extension would have a flat roof. This means that, although the development is similar in appearance to a converted garage, the extension would conflict with the prevailing character of the surrounding area. In particular, the development has a design that does not harmonise with its surroundings owing to the roof shape of the extension.
7. This is a concern owing to the relative prominence of the appeal site. In particular, the development is visible from several other neighbouring properties. By reason of the height of the appeal site's boundary treatments, the extension is readily perceptible from the surrounding area.
8. Although the development is set back from the highway, there would be some views from the surrounding street, via the entrance to the appeal site. Whilst such views would be relatively limited, the form of development is readily perceptible. Therefore, the incongruous form of development is strident. In consequence, the development has an adverse effect upon the character and appearance of the surrounding area.
9. The development has created a dwelling constructed from bricks and render. Whilst these materials are used elsewhere within the vicinity, they are typically of different colours. Therefore, within this context, the development is incongruous.
10. I therefore conclude that the development has an adverse effect upon the character and appearance of the surrounding area. The development therefore conflicts with the requirements of Policy ENV2 of the Black County Core Strategy (2011) (the Core Strategy); Policies S6, S9 and L1 of the Dudley Borough Development Strategy (2017) (the Development Strategy) and Planning Guidance Note 17. Amongst other matters, these seek to ensure that developments preserve and, where appropriate, enhance local character; be appropriately designed; and that extensions should relate to the design of the original building.

Living conditions for future occupiers

11. The development has increased the number of bedrooms within the appellant's dwelling. In consequence, as the development is of a single storey, it has resulted in a reduction in the level of garden space at the appeal site.
12. In result of the greater number of residents that the dwelling would accommodate, there would also be an increased demand for outdoors space in order to undertake recreation.
13. Therefore, the provision of a large extension means that the future occupiers of the appellant's dwelling would have a diminished ability to undertake private outdoors recreation. This results in an erosion of the living conditions of the future occupiers of the development.
14. There is some debate regarding the amount of area that has been retained post development. However, even if I were to agree with the appellant's calculations, I would observe that the calculation appears to pertain to the total level of open space at the property.

15. Given that this space would also be required for the parking of vehicles and the undertaking of household activities, such as the drying of washing. In consequence, the amount of space available for the undertaking of outdoors recreation is significantly reduced. Furthermore, the amount of space that is usable for outdoors recreation has also been reduced due to the presence of a shed and some trees within the site.
16. Whilst there are areas of public open space nearby, these lack the same level of privacy as a garden with a dwelling and therefore would not be an appropriate alternative for all types of recreation. In addition, the distances that would need to be travelled would render such alternatives less convenient. In result, the presence of open space does not overcome my previous concerns.
17. I therefore conclude that the development does not provide appropriate living conditions for the future occupiers of the development. The development, in this regard, conflicts with Policies EN2 and ENV3 of the Core Strategy; Policy L1 of the Development Strategy; Planning Guidance Note 17; and the New Housing Development Supplementary Planning Document (2013).
18. Amongst other matters, these require that new developments enhance local character; be of high-quality design; and provide appropriate living conditions for the occupiers of the development.

Living conditions of the occupiers of No. 51

19. The development extends the dwelling closer to the boundary between the appellant's dwelling and the neighbouring dwelling of 51 Ashdown Drive. The boundaries of the site are marked by a combination of wooden fences.
20. The development, by reason of its height and depth, combined with the proximity of the development to the shared boundary results in an enclosing effect upon the neighbouring property's garden. Although the development is set back from the neighbouring property's garden, the separation is relatively small and therefore this does not overcome the previously described harm.
21. Therefore, the development results in a reduction in the level of outlook experienced in the garden of the neighbouring property. Owing to the overbearing effect that would be experienced and the lack of outlook that would result to the garden the adverse effect of the development is significant.
22. By reason of the development's height and proximity to the neighbouring property, the development results in a loss of light to the occupiers of No. 51. This is particularly notable in the rear garden of the neighbouring property and the rooms served by the rear elevation windows. Whilst the orientation of the appeal site means that these adverse effects are not experienced at all times of the day. However, they do not completely overcome them and therefore harm from the development has emanated.
23. Although the development may be similar in height to what could be constructed utilising permitted development rights, the development is greater than what could be constructed under this process and therefore has greater effects.
24. This causes concern as the rear garden represents the only area where private outdoors recreation might take place. In result, the lack of outlook to the rear

garden of the neighbouring property would result in a significant erosion of the living conditions of the occupiers of the neighbouring property.

25. Whilst there would be screening offered by the appeal site's boundary treatments, the extension is perceptible over the height of the fence. Therefore, the aforementioned adverse effects would be readily apparent.
26. Whilst the development has not lead to an erosion of the privacy of the neighbouring property's occupiers, this is only one of all the matters that must be assessed and therefore does not overcome, or outweigh, my previous concerns.
27. In result, I conclude that the proposal would erode the living conditions of the occupiers of the neighbouring property. The development, in this regard, fails to comply with the requirements of Policy L1 of the Development Strategy; Planning Guidance Note 14 and Planning Guidance Note 17. Amongst other matters, these seek to ensure that developments are acceptable in their locality and do not cause unacceptable harm to the amenities of the occupiers of neighbouring properties.

Highway safety

28. The proposed development has increased the size of the appellant's dwelling. In result, the development facilitates an increase in the number of people potentially resident at the appeal site. In consequence, the development has the potential to increase the number of vehicles needing to park at the appeal site.
29. The appeal site includes a driveway leading from Ashdown Drive and a gravel area in front of the dwelling, which at the time of my site visit was being used for car parking.
30. However, the number of parking spaces at the appeal site is relatively limited, particularly as vehicles associated with the neighbouring dwelling of No. 51 may need to park close to the access point to the appeal site. In consequence, if there were to be an increase in the number of vehicle movements, some cars would be displaced onto the surrounding highway.
31. This is a concern given that the street features a limited number of spaces owing to the presence of driveways and dropped kerbs. In result, the displacement of vehicles onto the highway is likely to increase the car parking in opportune locations.
32. This would result in a reduction in the visibility for people leaving dwellings in the surrounding area. This lack of visibility would erode highway safety owing to a conflict between the movement of vehicles off of sites and the passage of vehicles in the surrounding area.
33. The details before me suggest that a greater number of cars could be accommodated on the site's driveway. However, owing to the shape of the driveway, if larger vehicles are parked on the site, they are likely to impede the movement of other larger vehicles on the site. In consequence, this lack of convenience is likely to displace parked vehicles onto the surrounding highway owing to the greater ease of movement.

34. I therefore conclude that the development has resulted in an erosion of highway safety. The development, in this regard, conflicts with the requirements of Development Strategy Policies S17 and L1; and the Parking Standards Supplementary Planning Document (2017). Amongst other matters, these seek to ensure that developments provide adequate access and parking for the manoeuvring of vehicles with no detrimental impact on highway safety.

Character and appearance of the Conservation Area

35. The development adjoins the Wordsley Hospital Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of the former hospital that are constructed to designs that are reflective of their former use. The CA is surrounded by dwellings that are constructed to more modern designs.
36. Whilst the development is viewable from the CA, the extension is screened by the site's boundary treatments. This means that the portion of the extension that is viewable is relatively small. Furthermore, the extension is viewed against a backdrop of more modern buildings. In addition, the extension is no closer to the CA than the existing dwelling. In consequence, the extension does not erode the character the CA for it does not result in an incursion into the CA of a more modern and intrusive form of architecture.
37. Furthermore, there are limited views into the CA from this section of Ashdown Drive. Therefore, the reduction of the gap to the side of the dwelling has not resulted in a significant erosion of views into the CA. In reaching this conclusion, I have had regard to the fact that several other dwellings within the road feature garages to the side of the property. Whilst these are constructed to different designs to the appeal development, they minimise views into the CA.
38. Therefore, views into the CA from Ashdown Drive are typically limited. In result, the development has not caused an adverse effect on views into the CA.
39. I therefore conclude that the development has not had an adverse effect upon the character and appearance of the CA. The development, in this regard, conforms with the requirements of S9 of the Development Strategy. Amongst other matters, this seeks to ensure that developments safeguard and enhance Conservation Areas.

Other Matters

40. I acknowledge the personal circumstances of the appellant. Whilst I am sure that the proposed development would result in improved living conditions for the appellant's family, I am conscious that, in general, planning decisions should generally be made in the public interest.
41. Therefore, given that I have been directed towards adopted Development Plan policies that have been breached and that harm has arisen from these breaches, I therefore find that these circumstances do not outweigh my conclusions in respect of the main issues.

Planning Balance and Conclusion

42. Whilst the proposed development does not have an adverse effect on the CA, this is outweighed by the adverse effects on the living conditions of the

occupiers of the neighbouring property, highway safety and the character and appearance of the surrounding area and the lack of appropriate living conditions for the occupiers of the appeal site.

43. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR