



Appeal Decision

Site visit made on 14 December 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/C4615/D/21/3279339

2 St. Georges Road, Dudley DY2 8EZ

- 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 Hamid Qudos against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/0359, dated 23 February 2021, was refused by notice dated 9 June 2021.
 - The development proposed is described as: construct first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Amended plans were submitted during the planning application process, altering the window design on the proposed extension. I have made my Decision, as did the Council, based on the amended plans.

Application for costs

3. An application for an award of costs was made by Mr Hamid Qudos against the decision of Dudley Metropolitan Borough Council. This application will be the subject of a separate Decision.

Main Issues

4. The main issues are:
 - whether the proposal would provide satisfactory living conditions for future occupiers, and
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, in particular number 31 Clarence Road.

Reasons

5. The site is located within a residential area and comprises a two-storey, semi-detached dwelling that has previously been extended with a single-storey extension across the rear of the property and a porch with canopy extension at the front. The plot within which the dwelling is located is triangular shaped, like those of the immediate neighbouring properties number 31 Clarence Road, the adjoining semi-detached dwelling No. 4 St Georges Road, and the neighbouring dwelling to No. 4, ie No. 6 St Georges Road. All these dwellings have relatively

small rear gardens; and due to their layout, siting, and orientation there is little distance between the rear of the dwellings and their neighbour's rear gardens.

6. To try and prevent any significant overlooking of the rear private outdoor space of No. 31 Clarence Road, whilst also seeking to provide sufficient natural light to the proposed bedroom, the design of the fenestration in the proposed extension was amended during the planning application process. It would have a shallow, obscure glazed window sited just under the eaves, with the underside of the window positioned 1.7 m above floor level, and 2 small roof lights, one fitted in each slope of the dual-pitched roof. I appreciate the Council being concerned about existing occupiers of No. 31 Clarence Road experiencing the perception of being overlooked. However, with the amended siting and design of the proposed fenestration, along with obscure glass that would be installed in the window on the rear elevation, future occupiers of the proposed extension would not be able to readily overlook the dwelling or rear private outdoor space of No. 31 Clarence Road. I therefore conclude that the proposal would not harm the living conditions of occupiers of existing neighbouring dwellings, in particular No. 31 Clarence Road.
7. Because of amending the window openings in the proposed extension and installing obscure glass in the shallow window sited on its rear elevation, the only outlook from the proposed bedroom for future occupiers would be through 2 small skylights towards the sky. Although such an arrangement may be acceptable in accommodation used by occupiers on a temporary or short-term basis, such as in Hotels or Guest Houses, I consider such an outlook from the bedroom would not be satisfactory for future occupiers on a long-term basis. It is possible, for example, that the room could be occupied by a teenager and used for sleeping, studying, and seeking space from other family members. I therefore consider a better quality outlook should be provided.
8. Notwithstanding my conclusion regarding the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, I conclude that the proposal would not provide satisfactory living conditions for future occupiers of the proposed bedroom. Consequently, the proposal does not accord with Policy L1 of the Dudley Borough Development Strategy-2017 or paragraph 130 of the National Planning Policy Framework, which, among other things, require development to provide satisfactory living conditions for future occupiers.

Other considerations, planning balance and conclusion

9. The appellant has drawn my attention to an appeal Decision elsewhere in Nottingham, Ref APP/Q3060/W/19/3231498, which concerns a change of use from a C3 dwelling to a C4 House in Multiple Occupation, where the main issue was whether the proposal would provide satisfactory living conditions for future occupiers with regard to light and outlook, as 4 of the proposed bedrooms were to be lit by skylights.
10. I have not been provided with copies of the plans associated with the appeal. However, the appeal Decision refers to the property having 6 bedrooms as well as a spacious communal living and kitchen area that had 3 large windows and a well-lit and spacious lounge. The Inspector noted that the 4 bedrooms of concern were furnished with single beds and wardrobes and were not sufficiently large to be multi-functional.

11. In contrast, the size of the room proposed in the appeal before me is that of a reasonable sized double bedroom, and I have described above how the proposed room could be used for multi-purposes. Additionally, the existing shared rooms on the ground-floor of the dwelling are of modest sizes, which would not readily provide, for example, space for a growing teenager to study and/or escape to. I therefore conclude that the 2 appeal cases are not directly comparable; as such, I attach limited weight to the matter.
12. The appellant has pointed out that often people extend into their roof to provide additional rooms and often these only have skylights. I acknowledge that this does happen. However, this may be done without planning permission under permitted development rights. Additionally, the suggestion is very general. For these reasons I attach little weight to this matter.
13. Notwithstanding my conclusion regarding the effect of the proposal on the living conditions of occupiers of existing properties, there are no other considerations that outweigh the harm I have found regarding unsatisfactory living conditions for future occupiers. Consequently, there are no other considerations that lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR