
Appeal Decision

Site visit made on 31 January 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/C4615/D/21/3287084

6 Parklands Road, Coseley, WV14 8TF

- 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 Gurdev Singh against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1064, dated 25 May 2021, was refused by notice dated 30 September 2021.
 - The development proposed is described as 'proposed two storey side and rear extension.'
-

Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues are effect of the proposal on the:
 - character and appearance of the host property and wider area;
 - living conditions of the occupants of 5 Parklands Road with regards outlook and light; and
 - wellbeing of protected trees in the vicinity of the appeal property.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a front gabled detached dwelling which has retained its neat original form despite the flat roof side extension. It has a partially concealed position, at the end of a short cul-de-sac and largely screened to the front by the supermarket carpark. But the rear of the property, with a slightly elevated plot, is clearly visible from the end of Redwood Road and from properties to the rear on Whitegates Road. Surrounding properties have an individual quality but the area is positively characterised by dwellings that generally retain their original mass and form, and this has not been eroded by insensitive alterations.

5. The large two storey side extension would match the existing roof ridge. At the front, this would create a wide expanse of roof plane, that would visually compete with the existing gable. The proposed large extension would also almost equal the original mass of the house. Although it would have a similar footprint to the existing garage, its scale and mass would be substantially larger. Moreover, when viewed from the front and rear the proposal would create a straight, blunt end to the dwelling, which would overwhelm and harmfully alter its distinct gable form. For these reasons, the dominating feature would not respect the original design and massing of the property. It would, in this regard, be a disharmonious addition that would not be visually attractive and would harm the appearance of the dwelling.
6. The proposed incongruous addition would appear prominent when viewed from surrounding properties. It would fail to respect the original mass of the dwelling and in doing so would be distinctly out of keeping with built forms that characterise the wider area.
7. I therefore find that the proposal would have a harmful effect on the character and appearance of the host property and the wider area. It would in this regard conflict with policy ENV2 of the Black Country Core Strategy (Core Strategy), policies L1 and S6 of the Dudley Borough Development Strategy (Development Strategy) and fail to adhere to advice in the Planning Guidance Note 17 – House Extension Design Guide (PGN 17), which collectively require proposals to preserve the local character, stating that extensions will be permitted where the design of the development is an appropriate form, siting, scale and mass.

Living Conditions

8. The appeal dwelling abuts the shared side boundary with No 5. Its built form is also slightly curved towards the dwelling at No 5. There is a part width rear single storey extension at that property close to this shared boundary. No 5 also has a modest rear garden space which is bound by a high panel fence.
9. The proposal would extend the depth of the appeal dwelling at full height, a modest amount, to the rear. The proposed rear single storey extension would expand the footprint of the dwelling further to the rear. This protrusion would be topped by a shallow pitched roof set just under the rear first-floor windows.
10. Cumulatively these additions would result in a significant expansion of solid brick wall and expanse of pitched roof along the southern side boundary of No 5. The built mass would extend significantly beyond the footprint of the dwelling at that neighbouring property and along approximately a quarter of the length of their modest rear garden space. Moreover, it would not be stepped in from the shared boundary.
11. The rear first floor window at No 5 near the shared boundary serves a bathroom, and the patio doors serving the ground floor habitable room would roughly align with the end of the two-storey proposed extension. The boundary fence would also screen much of the side wall of the single storey extension. However, the substantial addition with a two-storey element and the pitched roof form so close to, and clearly visible above the shared boundary, would materially alter the existing outlook at the rear garden space, near the dwelling of No 5, and when looking out of the windows serving the habitable rooms at this aspect of that property. Consequently, the large structure would appear close and an overbearing feature from these vantage points. This would

detrimentally alter the outlook from these parts of the property and therefore harm the living conditions of the occupants of this dwelling in this regard.

12. The proposal would not breach the 45 degree code. However, given its proximity and orientation, the two-storey element would overshadow the rear elevation of No 5 which has not been extended and the garden space close to this aspect of the property. In this manner it would materially restrict light from reaching these aspects of the neighbouring property for part of the day. The occupants of No 5 would find these parts of their property less pleasant places to use and in turn this would increase the harm to the occupants' living conditions outlined above, resulting from this proposal.
13. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupants of No 5 with regards outlook and light. The proposal would conflict with policy L1 of the Development Strategy and advice set out in the PGN 17, which collectively state, that proposals will be permitted provided, amongst other matters, they would not cause unacceptable harm to the amenities of occupiers of neighbouring dwellings, including harm arising from loss of privacy, outlook and sunlight.

Trees

14. The Council contend that there are protected trees in the vicinity of the appeal property but there is nothing before me to identify the specimens to which it refers. This aside, I saw a group of large, mature trees that punctuate the end of the cul-de-sac at the southeast of the property, with smaller specimens extending along the side boundary which back onto a turning space at Redwood Road. The large trees provide a natural backdrop to the supermarket carpark when viewed from the main road, and due to their size, they can be appreciated from streets and properties surrounding the appeal property. In this respect they make an important contribution to the character of this suburban environment.
15. I saw the trees without their foliage, but the images submitted by the appellant shows them in full foliage. The side extension would not extend beyond the current width at the side of the house. However, the proposed first floor is likely to bring the built form closer to the canopy of the mature trees to the south.
16. In the absence of more details from either party it is difficult to make a full assessment of this matter. But viewing the images, I am not persuaded that the occupiers of the dwelling, when using the proposed fourth bedroom, would in the future not be concerned about the overshadowing resulting from the trees, and, regarding issues of safety or damage to the property, with large bows close to the extended dwelling. These issues may in future provide a justification for the trees to be pruned, to be reduced in size, or felled and in turn this could harm the character and quality of the area.
17. I am also concerned that given the size of these trees and their proximity to the proposal and the boundary of the appeal property, harm to health of the trees could occur during the construction phase of the development. This could occur through use of heavy plant machinery, storage of construction equipment and materials, when carrying out drainage works and accessing utilities. This matter could be addressed by condition, but further information would be

required to establish if this would be necessary and if so, to ensure that this could make the development acceptable with regards to protecting trees.

18. I therefore find that there is insufficient information to establish whether the proposal would have a harmful effect on the well-being of protected trees in the vicinity of the appeal property. It would in this respect be contrary to policy S22 of the Development Strategy that requires where trees are affected by development, applicants will be required to provide full details of any impact. It would also be inconsistent with policies of the Framework which seek well-designed places, recognising the importance of trees in achieving this aim.

Conclusion and Recommendation

19. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Hollie Nicholls

INSPECTOR