
Appeal Decision

Site visit made on 13 April 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH May 2022

Appeal Ref: APP/C4651/D/22/3293451

17 Ballard Road, Netherton DY2 9EY

- 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 Lee Washington against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/2254, dated 15 December 2021, was refused by notice dated 8 February 2022.
 - The development proposed is erection of a detached garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed detached garage on the living conditions of the neighbours at No.15 Ballard Road, with regard to outlook.

Reasons

3. No.17 Ballard Road (No.17) is a two-storey semi-detached dwelling located on the western side of Ballard Road. The dwelling itself is offset from the common boundary with its non-attached neighbour at No.15 Ballard Road (No.15) by around 3m and there are existing timber double gates providing access to the rear garden area.
4. The proposal is to construct a detached garage in the rear garden of No.17, accessed via the double gates. The *Proposed New Garage* drawing (ref. 1956.02-A3) shows the garage as offset from the common boundary with No.15 by only around 0.1m and extending a depth of around 9m. It would be sited at the back edge of the existing patio, at a slightly lower level than the lawned garden, and well behind the rear building line of both No.15 and No.17. It would nonetheless extend around half the length of the rear garden of No.15, very close to the boundary.
5. I note that the proposed garage has been designed with a pitched roof to minimise the height of the eaves on the common boundary. However, at a height of around 2.4m to its eaves, the upper part of the very long elevation of the proposed garage and its roof profile would be visible, and prominent, above the existing 1.8m close boarded timber boundary fence.

6. Despite its set back from the rear elevation, the combination of the height, excessive depth and proximity to the boundary would result in the garage appearing overbearing from the ground floor windows of No.15, and notably from much of the rear garden. I therefore find that the overbearing impact on outlook is such that the proposed garage would cause harm to the living conditions of the neighbours at No.15.
7. Consequently, the proposed garage conflicts with Policies L1 and S6 of the Dudley Borough Development Strategy (2017) and *Planning Guidance Note 17: House Extension Design Guide* because it would not be appropriately designed and would cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings, including harm arising from loss of outlook. It would further conflict with the guidance at paragraph 130 of the National Planning Policy Framework that new development should create places with a high standard of amenity for existing and future users.
8. Policy ENV2 of the Black Country Core Strategy (2011) relates to historic character and local distinctiveness, rather than living conditions. I do not therefore find it determinative in this case.

Conclusion

9. For the reasons given above, the appeal is dismissed.

R Jones

INSPECTOR