

Appeal Decision

Site visit made on 23 May 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/V4630/D/22/3296986

67 Park Hall Road, Walsall, WS5 3HL

- 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 Richard Hayre against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 21/1745, dated 8 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is a replacement roof to form a new loft floor with front and rear dormer windows and a two storey rear extension.
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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.

Preliminary Matter

3. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice, which has also been adopted by the appellant in the Appeal form.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the street scene and host property.
 - The living conditions of the neighbouring occupiers with a particular regard to privacy, massing and light.

Reasons for the Recommendation

Character and Appearance

5. The appeal property is a two storey detached property in an established residential area on a prominent corner plot that has previously had a large side extension. The surrounding area is characterised by similar late 20th century detached properties where the wide street and set back frontages evoke a sense of spaciousness.

6. The appeal site has been subject to a previous planning appeal (*APP/V4630/D/11/2148699 (2010)*). The previous scheme proposed a replacement roof with dormers similar to the appeal before me, however the two storey rear extension was not part of that scheme. The previous appeal was dismissed with harm identified to the street scene and neighbouring properties as a result of the replacement roof and dormers, and I have been mindful of the previous inspector's comments in the determination of this appeal.
7. The submitted drawings show that the development proposes to raise the height of the existing roof by over 2m, inserting two dormer windows to the front and three dormer windows to the rear. In addition, a two storey rear extension is proposed, creating a substantial property.
8. The increased roof height and ridgeline would be significantly higher in comparison to the neighbouring properties. This, combined with a change from a hip to gable style roof would result in an incongruous, prominent and overbearing addition to the host property, with the height at odds with the surrounding street scene and accentuated further by the prominent corner position of the property. The insertion of the pitched dormers on the front elevation would be out of character with the surrounding street scene and host property, drawing the eye and interrupting the rhythm of the plain roof slopes that characterise this part of Park Hall Road.
9. The proposed two storey rear extension at approximately 8.5m in length, taken in combination with the existing side extension and proposed roof modifications, would add significant scale, mass and bulk to this already large property. The extensions would appear unsympathetic to the more modest scale and proportions of neighbouring properties. It would represent a highly discordant and unduly dominant addition to the street scene, particularly when viewed from the junction of Treyamon Road and Park Hall Road, resulting in a vast expanse of brickwork on the side elevation facing Treyamon Road, relieved only by three side windows to the first floor. The extent of the proposed development would represent a poor quality of design and an overdevelopment of the site.
10. There are two large semi-mature trees adjacent to the boundary of the appeal property, set back from the junction with Park Hall Road and Treyamon Road. These are of significant amenity value and make a positive contribution to the street scene at this prominent and spacious location and their very close proximity to the proposed development would be a significant concern. In the absence of any technical assessment or tree survey to assess the proposed relationship, I am not persuaded that the construction of the rear extension could be undertaken so as to allow the retention of the trees in this location, with resultant pressure to either secure their removal or significant pruning. The loss or decline of these trees would be detrimental to the character and appearance of the area.
11. For the reasons above, I conclude that the proposed development would cause significant harm to the character and appearance of the street scene and host property. This would be contrary to policies ENV3 and ENV32 of the Black Country Core Strategy (CS), saved policy GP2 of the Walsall Unitary Development Plan (UDP) and the Council's Supplementary Planning Document, Designing Walsall (SPD). These, amongst other things, seek to ensure that new

development preserves and enhances local character and positively contributes to the quality of the environment. It would also not accord with policy ENV18 which seeks to protect trees.

Living Conditions

12. The increased roof height of the appeal property, combined with the projection and height of the rear extension substantially increases the mass of the property and would consequently have a significant and detrimental overbearing effect for the occupiers at number 65 and to a lesser degree those at number 63 when viewed from their gardens.
13. Due to the orientation of the plots, shading is already experienced in the rear gardens of the neighbouring properties, but the increased height and close proximity of the appeal property would exacerbate this further in the rear garden of number 65, having an adverse effect on the living conditions of the occupiers.
14. I acknowledge that the three windows on the elevation facing the rear gardens of number 63 and 65 are positioned at a high level, however as a result of the relatively close proximity of the rear extension to number 65 they do provide an opportunity for direct overlooking and I am not persuaded in this instance that the high level nature of these windows sufficiently mitigates against this harm. However, due to the increased distance of the proposal from number 63, I find that the potential for direct overlooking in the rear garden of this property would be minimal.
15. I have noted the Council's assertion that the first floor windows on the elevation facing Treyamon Road would cause a loss of privacy in the garden of number 69. However, from my own site observations and the evidence presented, I do not agree. There is a considerable distance between the proposed windows and the boundary of number 69. Furthermore, overlooking already occurs from the properties at the rear of this property and thus I am satisfied that the proposal would not lead to inadequate levels of overlooking over and above what is already experienced at number 69. The proposal would therefore have a neutral effect upon the privacy of these occupants.
16. For the reasons outlined above, I find that the development would have a harmful effect on the living conditions of the occupiers at 63 and 65 Park Hall Road. It therefore conflicts with saved policy GP2 of the UDP which seeks to ensure new development makes a positive contribution to its environment as well as, amongst other things, considering the effects on neighbouring properties with regard to light and privacy.

Other Matter

17. The appellant has highlighted other examples of nearby properties which are three stories. However, these schemes are not directly comparable nor share the same context as the appeal proposal before me. One is a block of flats which are to the rear of the appeal site, set lower down and of a flat roof construction. The other examples show three storey properties of a similar height to those adjacent to them. In any case, these examples do not justify the harm that I have already identified.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR