
Appeal Decision

Site visit made on 17 May 2022 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/R1845/D/22/3293014

33 Baldwin Road, Kidderminster DY10 2UA

- 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 Messrs K & J Green & Robson against the decision of Wyre Forest District Council.
 - The application Ref 21/1101/HOU, dated 19 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is two-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey side extension at 33 Baldwin Road, Kidderminster DY10 2UA in accordance with the terms of the application, Ref 21/1101/HOU, dated 19 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250; Site Plan 1/500; and Extension DWG No. 3582 Planning.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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 Matters

3. Planning permission (Ref: 21/0830/HOU) was granted by the Council in 2021 for a two-storey side extension at No 33 Baldwin Road. The proposed extension would be effectively the same as the approved extension other than the inclusion of a Juliet balcony to the rear instead of a smaller window previously approved. Accordingly, given that the permission is recent, this is a material consideration which I will have regard to in this decision, although the scheme will be determined on its own merits.
4. Following the submission of the appeal the Council adopted the Wyre Forest District Local Plan 2016-2036 (adopted 2022) (LP) which superseded the Core

Strategy (2010) and the Site Allocations and Policies Local Plan (2013). I have been provided with the relevant policies from the LP and both parties have had the opportunity to comment on the change in policy context.

Main Issue

5. The effect of the proposed extension upon the living conditions of the occupiers of 34 Baldwin Road with regard to privacy.

Reasons for the Recommendation

6. At present, the host property has an obscure glazed bathroom window closest to the boundary with No 34, with a clear glazed bedroom window further away. The bedroom window offers views towards the small garden of No 34 which are partly screened by vegetation and an outbuilding.
7. The proposed Juliet balcony on the first floor of the proposed extension would be built closer to the shared boundary with No 34 than the nearest existing clear glazed window. Consequently, it would provide closer views towards the rear garden and, if the vegetation were removed or when not in leaf, would result in some overlooking of the rear part of the garden. However, as the proposed window and balcony would be roughly parallel with the rear of No 34, the occupiers of No 33 would not be able to view the rear of the neighbouring property or the part of its garden closest to the house. Therefore, the garden would not be completely overlooked from this bedroom. Given the layout of the surrounding houses, most rear gardens are partly overlooked and as such, this situation would not be unusual for the area.
8. Furthermore, and very significantly, a window in the same position has already been permitted, albeit of a conventional type and not full height as now proposed. Someone standing next to a conventional window would be set back into the room by the thickness of the wall. However, with a full height window it would be possible to stand slightly closer to the glass, and if the window were open it would be possible to stand looking out over the balcony railing. While this would give a slightly wider field of view from the opening than could be achieved from the approved window, the change in position would be relatively small.
9. The full height glass proposed would allow for views out from further within the bedroom than the approved window, however the resulting outlook would be restricted by the sides of the opening. Therefore, views to the side over the garden of No 34 would be difficult from within the room. Moreover, there would be no elevated terrace or outdoor seating area.
10. Consequently, while the proposal would result in closer views towards No 34 than the existing situation, it would not provide a significantly greater field of view of the neighbouring garden than the approved window. Accordingly, the overlooking from the proposed Juliet balcony would not be significantly greater than would result from the approved scheme and this is a matter I give considerable weight. I therefore find that, overall, the proposal would maintain an adequate level of privacy and would not have a serious adverse effect on the living conditions of the occupants of No 34 in respect of privacy.
11. Accordingly, the proposal would comply with policies SP.20, DM.24 and DM.25 of the LP. These policies seek to ensure that development should provide an

adequate level of privacy and should not have a serious adverse effect on the amenity of neighbouring residents or occupiers.

12. Moreover, the proposal would accord with the Design Guidance Supplementary Planning Document (adopted 2015) insofar as it states that residential extensions should minimise the impact of any extension or alteration on the amenity enjoyed by the occupants of neighbouring properties. Finally, the proposal would comply with paragraph 130 f) of the National Planning Policy Framework which states that development should create places with a high standard of amenity for existing and future users.

Other Matters

13. The proposal would not generate a requirement for additional car parking according to the Council's parking standards and there is no evidence before me that the required number of spaces cannot be achieved within the site. Therefore, while I appreciate interested parties' concerns about parking, there is no substantive evidence before me that the proposal would increase on-street parking or harm highway safety compared to the existing situation.
14. Planning permission has already been granted for an extension with a chimney in this location and could be built regardless of the outcome of this appeal. Controls exist under other legislation in respect of chimneys, which the planning system should not seek to duplicate. Moreover, a gap would be retained between the proposed chimney and the flank wall of No 34 which would allow access. As a result, I do not consider the inclusion of this feature would lead to fire safety issues.
15. I have had due regard to the neighbouring occupant's personal circumstances and appreciate that they have found the planning process stressful. However as concluded above, the proposal would not have a serious adverse effect on living conditions and would accord with the development plan, therefore there is no justification to refuse permission in this instance.

Conditions

16. Further to the statutory commencement condition it would be necessary in the interest of certainty for the development to be carried out in accordance with the approved plans. Moreover, it would be necessary in the interest of the character and appearance of the host dwelling for the proposed materials to match those used in the existing building.

Conclusion and Recommendation

17. The proposed extension would accord with the development plan as a whole and for the reasons given above and, having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal

L McKay

INSPECTOR