



Appeal Decision

Site visit made on 12 July 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/Q1825/W/22/3295041

15 Edenfield Close, Redditch B97 6TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Remigiusz Sekita against Redditch Borough Council.
 - The application Ref 21/01280/FUL, is dated 9 August 2021.
 - The development proposed is erection of single storey extension to the rear of existing dwelling house, new front porch, garage extension and first floor extension over existing garage.
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Decision

1. The appeal is dismissed and planning permission is refused insofar as it relates to the garage extension and first floor extension over existing garage. The appeal is allowed and planning permission is granted insofar as it relates to the erection of a single storey extension to the rear of existing dwelling house and new front porch at 15 Edenfield Close, Redditch B97 6TP in accordance with the terms of the application, Ref 21/01280/FUL, dated 9 August 2021, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to the single storey extension to the rear of existing dwelling house and new front porch: Drawing No 859-2 Rev F- Proposed Ground Floor, Drawing No 859-4 Rev F – Proposed First Floor, Drawing No 859-6 Rev F – Proposed Elevations and Drawing No 859-9 Rev F - Proposed Block Plan.
 - 3) The external materials to be used in the construction of the development hereby permitted shall be as shown on the planning application form.

Procedural Matters

2. Following the submission of the appeal against non-determination, the Council has provided a Statement of Case, which provides clarity in terms of the main reasons why the Council would have refused planning permission had it been able to do so. Therefore, the main issues below are taken from the Council's Statement of Case.
3. For the reasons that follow, I find the proposed single storey extension to the rear of the existing dwelling and the new front porch are acceptable. They are clearly severable both physically and functionally from the garage extension

and first floor extension over the existing garage. Therefore, I intend to issue a split decision in this case and grant planning permission for the single storey rear extension and front porch.

Main Issues

4. The main issues in this case are i) the effect of the proposed development on the character and appearance of the area, and ii) the effect of the proposal upon the living conditions of 134 Appletree Lane and 2 Dairy Lane, with respect to outlook.

Reasons

Character and Appearance

5. The appeal site consists of a detached property in a cul-de-sac of a modern housing estate. The appeal property is one of a number of 'house types' that make up the development. The 'house type' of 15 Edenfield Close consists of a front projecting wing that incorporates a two storey element and a lower single storey double garage. Whilst I note that the plot shape and size of the appeal site differs slightly to others in the cul-de-sac, on my site visit I observed there are various examples of other properties in the vicinity that exhibit the same house type design, both within Edenfield Close itself as well as along Dairy Lane and Appletree Lane. As it is currently designed, as a result of its appropriate scale, siting and design, the existing double garage and two storey projecting wing are read as subservient elements to the main house. It sits unobtrusively in the street scene.
6. Due to its position close to the entrance of the cul-de-sac, 15 Edenfield Close is situated in a prominent position. The lack of a front boundary and the small area of grass, which currently sits in front of the double garage alongside the highway, contributes positively to a sense of spaciousness in the street scene.
7. Whilst I appreciate that the roof of the first floor extension would remain to be below the roof of the main dwelling, and that it would be stepped in from the side of the garage at ground floor, the length of the proposed first floor extension would result in a disproportionately long two storey projecting wing, which would dominate over the principal part of No 15. The proposal would represent an unbalancing addition to the existing dwelling and the street scene, detrimental to the character and appearance of the area.
8. Whilst it would be single storey, the proposed garage extension would be sited uncharacteristically close to the highway. It would appear as an incongruous addition to the area, reducing the grassed area to the front and consequently, the spacious feel of the street scene.
9. The appeal proposal also includes a single storey rear extension and a front porch. Both the porch and single storey rear extension would be subservient additions to No 15. Neither would be prominent in the street scene and they would both respect the character and appearance of the existing house and the area. I therefore find no harm in regards to these elements and I note that the Council raised no objection either. These elements would be in accordance with the objectives of Policies 39 and 40 of the Borough of Redditch Local Plan No.4 (Local Plan) (adopted 2017) which, in combination, requires new development to contribute positively to the local character of the area, to be of a high quality design that reflects the local surroundings, and to incorporate any relevant

guidance contained within Supplementary Planning Documents in order to achieve good design. It would also be in accordance with the High Quality Design Supplementary Planning Document ('the SPD') (adopted June 2019) which provides an overview of design principles to ensure that a high standard of design can be achieved.

10. However, the proposed garage extension and first floor extension would cause harm to the character and appearance of the area. It would conflict with the objectives of Policies 39 and 40 of the Local Plan as set out above. It would also be contrary to the guidance set out in the SPD, most notably paragraphs 3.1.5 and 3.1.6, which requires extensions to complement the original property and to be subordinate to the existing dwelling. It would also conflict with paragraphs 3.1.11(i) and (iii) of the SPD, which requires development to reflect the pattern and spacing of buildings and to respect local styles and features to maintain local distinctiveness.

Living Conditions

11. Owing to the appeal site abutting the rear boundaries of 134 Appletree Lane and 2 Dairy Lane, the proposal would have a very close relationship with these neighbouring properties. In regards to the existing situation, the two storey massing of the projecting wing runs alongside the rear boundary of No 134, which drops down to the single storey garage for the most northern point of their rear boundary. The appeal site currently has less of an impact on the outlook of No 2, as it is the lower single storey double garage which currently lies alongside the rear boundary of No 2. The appeal site is also at a slightly higher elevation than both No 2 and No 134.
12. The proposed first floor extension over the garage would run alongside the rear boundary of No 134, infilling the remaining gap to the most northern part of their rear boundary. Whilst the proposed first floor extension would only run along part of the rear boundary of No 2, it would bring the two storey element of the front projecting wing closer to No 2.
13. Due to the height and mass of the first floor extension above the existing garage, its positioning close to the shared boundary with No 2 and No 134 and it being situated at a slightly higher level than these neighbouring properties, it would have an unacceptable overbearing effect, dominating the outlook from both the back gardens and rear habitable rooms of both No 2 and No 134.
14. In regards to the garage extension, the single storey rear extension and the front porch, it is considered by virtue of their appropriate height, siting and scale, these elements of the proposal would not harm the living conditions of the neighbouring properties. They would accord with the guidance set out in the SPD which states that proposals should ensure that consideration has been given to the impact on neighbouring occupiers and protection of neighbouring amenity, taking account of overlooking, overshadowing and overbearance.
15. However, the proposed first floor extension would be harmful to the living conditions of the occupants of 134 Appletree Lane and 2 Dairy Lane, with respect to outlook. It would be contrary to paragraph 3.1.7 (iii) of the SPD which states that a development would be considered overbearing if it dominated, overwhelmed or had a visually intimidating impact on a neighbouring property. It continues to state that overbearance can occur when

an extension is positioned too close to a property boundary and has sufficient height and mass to dominate its neighbour.

Other Matters

16. I note the appellant's desire to improve and increase the quality of the internal amenity space associated with the existing property, as well as the benefit this would bring to the existing housing stock. While I am sympathetic to this issue, it does not outweigh the harm that the scheme would cause to the character and appearance of the area or the living conditions of the occupants of the neighbouring properties.
17. The appellant considers that the Council have overstated the size of the development and provides marginally alternative measurements. Nevertheless, the alternative measurements put forward would not be sufficient to outweigh my findings on the main issues set out above.
18. My attention has been drawn to other similar extensions in the area. However, the circumstances of each proposal are likely to be different. In any event, the fact that similar extensions exist in the area is not a reason, on its own, to allow unacceptable development in the above context. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
19. I acknowledge that the Daylight and Sunlight Study has demonstrated that the development would have a low impact on the light received by neighbouring properties. I have no reason to disagree with the conclusions of the report and I note that the Council do not allege any harm to the daylight or sunlight received by the neighbouring properties. Nevertheless, this does not alter my findings on the main issues.
20. The plans show changes to the existing doors and windows of No 15. These are omitted from the description of development. The Council in their statement consider that they would be within the tolerances of permitted development under the Town and Country Planning General Permitted Development (England) Order 2015 (GPDO). However, within the context of an appeal under section 78 of the Act, it is not within my remit to formally determine whether development would fall under the provisions of permitted development. In any event, the Council do not appear to object to these elements, and I have no compelling reason to disagree.

Conditions

21. As well as the standard time condition, a condition to ensure compliance with the approved plans, in so far as they relate to the approved development, is necessary for the avoidance of doubt and in the interests of proper planning. The Council have requested a condition for matching materials to those on the existing building to be used. Whilst matching materials would be appropriate for the porch, given that the rear extension would be predominately glazed, with grey/anthracite doors and windows, these would not match the existing white uPVC windows and doors or the brick of the existing dwelling. Therefore, I have instead required the use of materials as set out on the application form.
22. The Council have also requested a condition to prevent the insertion of windows or other openings on the south west side elevation of the existing and

proposed dwelling. However, given that I am dismissing the first floor and garage extension, this condition would not be necessary.

Conclusion

23. For the reasons given above, I conclude that the appeal should succeed in relation to the erection of the single storey extension to the rear of the existing dwelling house and the new front porch. However, in relation to the garage extension and the first floor extension over the existing garage, the appeal should be dismissed.

Laura Cuthbert

INSPECTOR