



Appeal Decision

Site visit made on 7 June 2022 by G Sibley MPLAN MRTPI

Decision by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/C4615/D/22/3296009

19 Corfe Road, Coseley WV14 9HP

- 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 R Fisher against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/2119, dated 19 November 2021, was refused by notice dated 14 February 2022.
 - The development proposed is extension at rear and side of property at ground and first floors.
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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. The single storey side extension has been built whilst the single storey extension to the rear is under construction. Planning permission (Ref:P20/1740) has already been granted for these elements and the main difference between the scheme that has been built and that proposed would be the proposed two-storey extension as well as a roof over the ground floor bay window. Accordingly, given that this has already been implemented it is a material consideration which I will have regard to in this decision, although the scheme will be determined on its own merits.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the character and appearance of the host dwelling and the street scene;
 - the effect of the proposal upon the living conditions of the occupiers of 17 Corfe Road with regard to light and outlook; and
 - the effect of the proposal upon the living conditions of the occupiers of 21 Corfe Road with regard to light and outlook.

Reasons for the Recommendation

Character and appearance

5. No 19 is a semi-detached dwelling with a hipped roof and a single storey side extension that has a pitched side gabled roof. The proposed two-storey extension would be located above the rear single storey extension that extends beyond the flank wall of the house and would be visible above the single storey side extension. The two-storey side extension would have a hipped roof that would be set below the ridge of the host dwelling. Given the limited width and height of the single storey and two-storey side extensions they would be of an appropriate scale to the host dwelling.
6. The proposed extension forward of the front elevation would be limited in height and depth and would use similar materials to the host dwelling. This has effectively already been built, although the roof of the as built porch extends over the ground floor bay window. Accordingly, this element of the proposal would appear subordinate to the host dwelling.
7. The as built single storey side extension has a steep pitched roof over it and only a small proportion of the front elevation of the proposed two-storey extension would be visible above it. Consequently, the lack of fenestration detail on this front elevation would not appear prominent within the street scene, especially given the significant setback of the proposed two-storey extension. Moreover, the single storey side extension includes fenestration detail and as a result, the side extension when viewed as a whole would not present a blank elevation. This, combined with the limited width of the proposal, would ensure that the form and mass of the extension would appear concordant with the host dwelling. Moreover, the proposed use of similar materials in the construction of the extension would ensure that the proposal would appear congruous with the dwelling.
8. The extension proposed to the rear of the dwelling would be well screened from the roadside by the dwelling itself as well as the neighbouring properties. The roof would be set below the ridge of the host dwelling and the limited scale of this extension, as well as the materials proposed would ensure that the form, siting, scale and mass of the proposals to the rear would be appropriate with the host dwelling.
9. The surrounding dwellings are similar in appearance to No 19 and similar extensions have been built within the street scene. The limited scale of the two-storey extension would ensure that the symmetry across the two attached properties would not be unbalanced. Furthermore, given the layout of the houses in this area, the two-storey extension would be well screened from the street scene. Given the subservient scale and appearance of the proposal, it would not introduce an alien feature to the street scene and would be responsive to the character of the surrounding area.
10. Therefore, the proposed development would not harm the character and appearance of host dwelling or the street scene. Consequently, the proposal would comply with Policy ENV2 of the Black Country Core Strategy (CS) (adopted 2011) and Policies L1 and S6 of the Dudley Borough Development Strategy (DS) (adopted 2017). These policies state that extensions will be permitted where the design of the development is of an appropriate form, siting, scale and mass, with the use of appropriate materials which respect and

are responsive to the context and character of the surrounding area. Moreover, the proposal would accord with the Planning Guidance Note No. 17 House Extension Design Guide (PGN17) insofar as it seeks to ensure that extensions and alterations relate to the character of the original house in terms of scale, materials and design details. Finally, the proposal would accord with the general design policies of the National Planning Policy Framework (Framework)

Living conditions of the occupiers of No 17

11. The flank wall of the proposed two-storey rear extension would be built in line with the boundary between No 19 and the attached dwelling (No 17). The closest window on the first floor of No 17 serves a bedroom which is a habitable room. Planning Guidance Note No 12 The 45 Degree Code (PGN12) states that for an extension to comply with the 45-degree code they should be designed so as not to cross the appropriate 45-degree line from an adjoining neighbour's nearest window which lights a habitable room. The purpose of this is to ensure that an extension would not seriously affect a neighbour's outlook, daylight or privacy. It is accepted by the appellant that the two-storey rear extension would cross this 45-degree line from the bedroom window at No 17.
12. No 19 is located to the north of No 17 and as such, the extension would not block the path of the sun as it passes the bedroom window during most of the day. Accordingly, the proposal would not lead to a harmful loss of sunlight. However, the siting and depth of the extension relative to this window would give rise to a minor impact on the amount of daylight enjoyed within the room.
13. In terms of outlook, the window in the bedroom currently has a clear and unobstructed outlook over the fields to the rear. Due to the depth and siting of the proposed extension relative to the window, the view would be much more restricted to the domineering flank wall of the extension. Consequently, and despite that some views would be maintained to the countryside to the rear and in a westwards direction, the extension would be an overbearing feature that would harm the outlook from the bedroom of No 17.
14. Whilst the proposal would bring the rear elevation of the first floor of the house closer to the garden at No 17, the proposal would not extend further along the shared boundary than the existing single storey extension. When the neighbouring occupiers are standing within the patio closest to the proposed extension it would only extend a very short distance into this patio area. Accordingly, given the limited distance it would extend into the rear patio area, the outlook from this patio would not be harmfully enclosed by the proposal. Additionally, the open outlook from this patio, as well as the siting of the proposed extension, would ensure it would not appear overbearing from this patio area or the garden to the rear of it.
15. The proposed two-storey extension would be set back a significant distance from the larger patio area on the opposite side of the single storey extension at No 17. Given this distance and the limited height of the proposal compared to the host dwelling, it would not harmfully enclose this area or appear overbearing from it. Moreover, the orientation of the two houses would ensure that these patio areas would not be significantly overshadowed by this proposal.
16. Therefore, whilst the proposal would not harm the living conditions of the occupiers when viewed from the garden and rear patio, the proposed

development would seriously harmfully affect the outlook and daylight from the first-floor bedroom. Though the Planning Guidance Note Nos. 12 and 17 are guidance, I regard the impacts as being harmful and, as a result, the proposal would harm the living conditions of the occupiers of No 17 with regard to both outlook and daylight. Consequently, the proposal would conflict with Policy L1 of the DS which states that the development should be appropriate in its locality and would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings.

Living conditions of the occupiers of No 21

17. The two windows on the flank wall of No 21 that face towards the proposed flank wall of the extension are both obscure glazed windows. One window serves the upstairs landing and the other serves the bathroom. Given that neither of these windows serve habitable rooms, the proposal would not unacceptably harm the light or outlook of a habitable room and thus would not harm the living conditions of the occupiers of No 21.
18. Therefore, the proposal would not harm the living conditions of the occupiers of No 21. Consequently, the proposal would comply with DS Policy L1 insofar as the proposal, in this instance, would not cause unacceptable harm to the amenities of the occupiers of the neighbouring dwelling. Moreover, it would accord with PGN17 for the same reason.

Other Matters

19. The proposal would provide a larger and improved living accommodation for the appellant, but this would be a private benefit for the appellant and would not justify the identified harm.

Conclusion and Recommendation

20. The proposal would harm the living conditions of the occupiers of No 17. Whilst the proposal would not harm the character or appearance of the dwelling or the street scene or harm the living conditions of the occupiers of No 21, this would not overcome the identified harm. The proposal would conflict the local policies in respect of living conditions. I therefore find that it would conflict with the development plan taken as a whole and there are no material considerations that outweigh this conflict.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

22. 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 dismiss the appeal.

H Nicholls

INSPECTOR