



Appeal Decision

Site visit made on 23 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/C4615/D/22/3294419

65a Howley Grange Road, Halesowen B62 0HS

- 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 Tranter against the decision of Dudley Metropolitan Borough Council.
- The application Ref P21/2103, dated 16 November 2021, was refused by notice dated 12 January 2022.
- The development proposed side extension to form garage over existing parking spaces.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property and the area; and
 - The effect of the proposed development upon the living conditions of the occupiers of 60 Goodrest Avenue, with regard to outlook.

Reasons

Character and appearance

3. The general design of properties in the area vary between pairs of semi-detached dwellings and short runs of terraced housing. The appeal site a modern detached dwelling is at variance to this. The varying setbacks from the highway and noticeable gaps between properties results in a pleasant spacious environment.
4. Because the proposed garage would extend right up to the boundary it would appear to be squeezed onto the site in a manner that would conflict with the prevailing layout pattern in the street scene eroding the sense of spaciousness that exists. Whilst the proposal would have a sympathetic design the resulting building would be unduly large extending almost the full width of the plot giving rise to a cramped appearance, depriving the dwelling of a proper setting and diminishing the character, appearance and integrity of the host property and area.
5. The appellant contends it would be possible to construct a detached garage in the rear garden utilising permitted development rights. I am not aware that a Certificate of Lawful Development has been approved for any such

development. As such, based on the evidence before me I am not persuaded that there is a reasonable likelihood that the appellant would opt to construct a garage if planning permission for the appeal development was to be refused, or that it would have a similar or greater impact upon the street scene. I therefore afford this matter only limited weight in coming to my decision, furthermore, I have determined this appeal on its own individual planning merits.

6. I conclude that the proposed development would adversely affect the character and appearance of the host property and the area contrary to Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy (2011) (CS) and Policies L1, S1, S6 and S8 of the Dudley Borough Development Strategy (2017) (DBDS) which, amongst other things, require new development to have a clear understanding of local distinctiveness; high quality design and an appropriate form and siting responsive to the context and character of the surrounding area. It would also be contrary to guidance contained within the House Extension Design Guide (HEDG) which, amongst other things, requires extensions to relate to the character of the original house in terms of scale, materials and design details.
7. I note the council have referred to the New Housing Supplementary Planning Document in the reason for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Living conditions of existing occupiers

8. 60 Goodrest Avenue sits on the road junction and has been extended to the side and rear. The rear extension has windows facing the side boundary of the host property.
9. The HEDG recommends a minimum distance of 14m between front/rear facing windows of one property and two storey walls of another. The development would fall short of this distance.
10. Taking into account the level difference between the properties, the modest height of the proposal and as the roof would slope away it would maintain a largely open aspect at the end of the garden and, in my view, would not result in a sense of enclosure or diminish the outlook experienced to a degree that it would be overbearing for existing occupants, despite the shortfall in distance.
11. I conclude that the proposed development would not adversely affect the living conditions of the occupiers of No.60 in respect of outlook. It would accord with CS Policy ENV2 and DBDS Policies S6 and L1 which, amongst other things, require proposals not to cause unacceptable harm to the amenities of occupiers of neighbouring dwellings. It would also accord with guidance contained within the HEDG which seeks to maintain the outlook of occupiers.

Other Matters

12. The appellant contends that it is not unreasonable for a dwelling of this size to have a garage. Whilst I note this point this is not justification for a scheme that I have found to be harmful.

Conclusion

13. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR