



Appeal Decision

Site visit made on 18 October 2022

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/Z3445/W/22/3300230

16 Heath Street, Tamworth B79 7JH

- 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 M Paul against the decision of Tamworth Borough Council.
 - The application Ref 0529/2021, dated 27 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is described as 'change of use from single dwelling to 4no studio apartments including two storey and single storey rear extensions'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and,
 - Whether the proposal would provide acceptable living conditions for the occupants of 14 Heath Street (No.14), with particular regard to outlook, daylight and sunlight.

Reasons

Character and Appearance

3. The appeal site is located at the end of a row of terraced properties of traditional appearance. Whilst the scale and appearance of buildings in the surrounding area does vary, there is a general consistency of height, proportions, proximity to the street and the use of chimneys, red brick and slate roofs that reinforce the positive characteristics of the area. The three storey projecting gables at the appeal property mirror those of 2 Heath Street and together, the properties book end the row. At the rear, there is a uniformity to the appearance of the row, despite incremental alterations and additions. This is particularly because there are no two-storey rear extensions and most traditional single storey pitch roof projections have been retained. There are clear obtainable views of the rear of the terraced row from Dent Street and Victoria Street
4. The proposed extensions would increase the massing of the appeal property and would significantly alter its appearance when viewed from the rear and side. Due to the lack of a set back from the main elevation facing Dent Street, the frontage of the host building would be significantly elongated. The resultant

building would be visibly prominent when viewed from Dent Street. Furthermore, the elongated frontage and removal of the front door and replacement with a window would not reflect the regular pattern of openings in the area and would further serve to emphasise the scale and mass of the proposal. The retention of the boundary wall along Dent Street would do little to moderate the sense of scale of the proposal. Consequently, when viewed in the context of its corner location, the proposal would be incongruous and overly dominant.

5. The form of the proposed extensions would follow the design of the gabled roofline of the host dwelling and would incorporate similar materials as well as sensitively designed glazing, retaining a vertical emphasis and stone headers to ground floor windows. Although the proposal would introduce a two-storey addition and the height of the single storey element is substantial, the stepped design would be appropriate and the overall projection to the rear would not be significantly greater than other single storey rear additions in the row. Nonetheless, due to the continuation of built form flush with the elevation fronting Dent Street, I find the extended frontage would cause harm to the prevailing positive character and appearance of the area.
6. In support of the proposal, the appellant refers to the scale of numerous buildings in the local area. The four-storey building at the end of Dent Street stands alone, has no direct association with Dent Street and is seen in a different context to the appeal site. The rear addition to the three-storey building at the junction of Victoria Street and Heath Street is not two storey nor extends the width of the property and is therefore not directly comparable to the appeal site. Whilst 18 Heath Street incorporates a two-storey rear extension, it is set in considerably from the main elevation and Heath Street.
7. I conclude that the proposal would cause harm to the character and appearance of the surrounding area. The scheme fails to comply with Policy EN5 of the Tamworth Local Plan 2006-2013 (LP) which seeks, amongst other things, to ensure development be sympathetic to the valued characteristics of an area.

Living Conditions for occupiers of No.14

8. The proposal would replace an existing single storey extension and whilst it would be of hipped and stepped design and limited projection at first floor, given the overall height, cumulative projection and positioning, it would present a sizeable and overbearing structure along the shared boundary with No.14. This would result in an imposing and oppressive outlook when viewed from the rear facing windows of No.14.
9. Although there is an existing single storey rearward projection at No.14, and the rear facing windows at ground and first floor are further away from the shared boundary than the dormer window at No.14, the proposal would nonetheless result in additional built form, exacerbating the existing limited outlook, particularly from the rear ground floor window at No.14.
10. The proposed plan indicates that the proposal would interfere with the Council's 45 degree test. The Council's SPD¹ states that where proposed extensions fail to meet with the requirements of the 45 degree test, they would be unlikely to

¹ Design: Supplementary Planning Document July 2019

be granted permission. Furthermore, due to the orientation of the development and the height and proximity to the boundary of the proposed extension, it would lead to significant overshadowing of the ground and first floor rear windows of No.14 for a large part of the mornings throughout the year. This would result in a gloomy room for occupants for a significant period of time throughout the year.

11. Paragraph 125 of the Framework advises a 'flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'. The existing single storey rear extension at No.14 already causes some overshadowing to the rear ground floor window. However, the proposed scheme is substantially higher, and no assessment has been provided to lead me to a different view to that set out above.
12. Accordingly, I find the proposal does not provide acceptable living standards for occupants of No.14 with regard to outlook, daylight and sunlight. This would be contrary to Policy EN5 of the LP and SPD which seek, amongst other matters, good standards of design that results in liveable environments which consider the amenity of neighbours.

Other Matters

13. I have had regard to matters raised by neighbouring residents, including regard to parking, drainage and maintenance. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.
14. I note the appellant's comments about the accessible location of the site. Nevertheless, this matter would not outweigh the wider public harm that would be caused by the proposal. Criticisms of the Council's handling of the application are of little relevance to the planning merits of the case that is before me for determination.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR