



Appeal Decision

Site visit made on 8 December 2022

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2022

Appeal Ref: APP/G4620/D/22/3304922

79 White Road, Sandwell, Smethwick B67 7PQ

- 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 Mrs Nachhatar Kaur against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/67150, dated 8 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is a bay window and porch extension with mono-pitch roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the streetscene; and
 - if any harm is caused, whether this is outweighed by material considerations including the occupant's need for the extension with regard to their personal circumstances.

Reasons

Character and appearance

3. The appeal site is a 2-storey end of terrace dwelling on a long residential street of sets of similar slightly stepped terraces on both sides. The properties have small front yards behind low walls, and have a strong sense of coherence while incorporating some variation in façade materials and colouring. This contributes positively towards the character and appearance of the streetscene. The proposal is to amend the existing chamfered bay window to a box bay window joined to a new porch, with pitched roof over both, plus front steps and a boundary wall.
4. There is a consistent character to the pattern of bay windows along this part of the street, which are mostly uniform in size and in their relationship with their façades. The proposed box design would disrupt this rhythm as well as removing an original feature. On the appeal side of White Road, there is only 1 out of the nearest 14 dwellings which does not incorporate a chamfered bay window. Although I appreciate the appellant's effort in their classification of the different window and porch types, dwellings further away contribute to the wider character of the street and area but are not direct comparisons.

5. Similarly, the block of 5 dwellings opposite do not set a precedent despite that 4 have box windows, including a modern full width box bay/porch. This is because this block has a distinct and particularly attractive character within this part of the streetscene, while still being largely consistent overall. The box windows for the middle 3 dwellings appear to be the original style, plus the set has cohesive upper storey brick facades, and more ornamentation and architectural features than the surrounding and opposite properties. This is therefore not a direct comparison to the appeal dwelling which would not be consistent with the street's overall character.
6. Further on from this opposite block, the next 2 blocks comprise 9 dwellings in total all with chamfered bay windows. Again, this reinforces the overall consistency of the original architectural features along the street.
7. The size and massing of the proposed alterations to the frontage and its relative height to the property would also be incongruous and draw undue attention. While all the proposed materials would match those existing, this would not sufficiently mitigate the harmful impact. Furthermore, as the end terrace in the street, the appeal dwelling has additional prominence from views along the adjoining road and as a gateway into the street and its character.
8. In conclusion therefore, the proposed development would result in significant harm to the character and appearance of the streetscene, which would be contrary to policy ENV3 of the Black Country Core Strategy (2011), policy SAD EOS 9 of the Sandwell Site Allocations and Delivery Development Plan Document (2012), and the Revised Residential Design Guide Supplementary Planning Document (2014). Together, these policies and guidance seek high quality design, and to resist proposals which do not fit in visually or are clearly out of keeping with their surroundings, including due to scale, proportion, architectural design, and relationship with the street.

Personal circumstances

9. The proposed improvements are to increase and improve the available space for the property's occupier, who is unable to use its upper floor due to their disability. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. Since my decision will affect a person with the protected characteristic of disability, I have considered the three equality aims set out in Section 149 of the Act, being the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations.
10. The intent behind the proposal is for the additional bay window space to allow for different positioning of furniture, which would in turn allow the room to be used in more comfort, and by more people. The appellant identifies that this is particularly important because it is the resident's main living space, and also because they are mostly housebound. Similarly, the proposed amendments to the front door and porch would better allow disabled users to manoeuvre with more ease. I accept that together these improvements would provide more benefits to the occupant than for someone not living in these circumstances, and therefore I find the proposed scheme to have moderate personal benefits.
11. However, while a box bay configuration may more easily allow for a range of positions of furniture, I have not seen any evidence that a different internal

configuration or other forms of alteration such as provision of a separate porch, could not also achieve this aim.

12. It is also a material consideration and a benefit that the proposal may increase outlook into the public realm due to increased use of the window space, reinforcing the creation of a safer environment as supported by some of the development plan policies. However, I expect that this could also to a large extent be achieved through the use of the existing bay.
13. In conclusion, the occupant's need for a house extension, given their personal circumstances relating to disability to which I have given due regard, would result in moderate benefits.

Other Matters

14. I note the Council's assessment of the application by different officers during its determination process, but this has not affected my decision.

Planning Balance

15. I give significant weight that the proposal would give rise to significant harm to the character and appearance of the streetscene, which would conflict with the development plan as a whole. I have identified only moderate benefits of the proposal, which I give moderate weight.
16. Overall therefore, on the basis of the evidence before me the benefits do not justify the size and scale of the combined proposal and its resulting harm. I have also considered the implications of my decision to dismiss the appeal in relation to the resident's protected characteristic of disability. In my view, the adverse impacts of dismissing the scheme on the person with a protected characteristic would be proportionate, having regard to the harm to the character and appearance of the streetscene and the existing or alternative possibilities available to the resident. I cannot identify any conditions which I could impose which could sufficiently mitigate the harmful impact of the proposal, and none have been put to me.

Conclusion

17. In conclusion, I have had due regard to the Public Sector Equality Duty, but the occupant's need for a house extension given their personal circumstances relating to disability, does not outweigh the harm which would be caused by the scheme and its conflict with the development plan. For the reasons given above I conclude that it is proportionate and necessary to dismiss the appeal.

L Hughes

INSPECTOR