

Appeal Decision

Site visit made on 6 January 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/V4630/D/22/3310608
145 Broadway North, Walsall WS1 2QB

- 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 and Mrs P Kairo against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 22/0896, dated 27 June 2022, was refused by notice dated 12 October 2022.
 - The development proposed is the erection of double/single storey front, side and rear extensions.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a predominantly 2-storey detached house that stands within a row of semi-detached and detached dwellings facing Broadway North, within a mainly residential area. At the side of No 145 is a single storey garage that is up to the side boundary of the site with the adjacent semi-detached dwelling, which is 147 Broadway North. The site is not within a conservation area and the appeal dwelling is not a listed building.
4. From what I saw, neighbouring buildings just to the south of the site are generally separated by modest and irregular sized gaps sometimes just at first floor level. In some cases, the gaps at first floor level allow views from the road towards trees and the sky beyond the line of dwellings. In doing so, the gaps perform a significant townscape function in the local street scene by establishing a clear visual break between adjacent buildings. One such example is the space above the existing garage at the side of No 145.
5. The Council's Supplementary Planning Document for Urban Design, *Designing Walsall*, (SPD) states that terracing, in which side extensions lead to separate buildings visually merging due to their close physical relationship, should be avoided where this is not a characteristic of the area. To do so, the SPD advises that a minimum 0.9-metre gap should be retained to the boundary with a set back at first floor level of at least 1-metre together with the use of hipped roofs, where appropriate.

6. The proposed side extension would reduce the space between Nos 145 and 147 by introducing additional built form at first floor level. Because the new addition would be up to the side boundary of the site, it would fail to achieve the minimum set back distance to which the SPD refers. Even so, it seems to me that a conflict with the SPD in this respect should not in itself be determinative. In my experience, local conditions can often vary between one site and another and so there may be circumstances in which the guidance in the SPD should be applied with at least some flexibility.
7. In this case, the proposed 2-storey side wall would effectively join the adjacent flank wall of No 145 with adjacent hipped roofs that would angle away from each other. While there would be a staggered front build line between Nos 145 and 147 with the new ground floor front addition in place, the side extension would close the gap between them at first floor level. In doing so, the proposal would erode the townscape function of the space that visually separates these two buildings. The resultant loss of spacing between a detached property and a pair of semi-detached dwellings would also give the appearance of a single unbroken development of three, 2-storey dwellings. As the only obvious example of such development within the same row as No 145, this element of the appeal scheme would be incongruous.
8. When seen from the road, the introduction of a front facing gable right up to the site's boundary, as proposed, would also appear uncomfortably close to the adjacent flank wall and roof slope of No 147. This arrangement would draw the eye given that adjacent buildings in the row to which No 145 belongs are mostly spaced further apart especially at first floor level. As a result, the proposal would be obtrusive in the street scene and detrimental to the character and appearance of the local area
9. Just to the north of the site, I observed that the 2-storey flank walls of several neighbouring detached dwellings are close together including those to which the appellant has referred and provided photographs. In some cases, these nearby properties include two front gables, as sought in this appeal, and they also appear to have been extended and altered with resultant side walls that are close to the adjacent building. It is, therefore, understandable that my attention has been drawn to these examples in support of the appeal.
10. In response, the Council has advised that 135–143 Broadway North (odd) were all approved some time ago and before the guidance in the SPD was adopted. To reiterate, it is the guidance in the SPD that seeks to avoid terracing by introducing setbacks. On that basis, and in the absence of evidence to the contrary, it would appear that the context within which those applications were determined differs to the proposal before me.
11. Reference is also made to another property to the south of the site at 155 Broadway North, which I saw has a 2-storey sidewall that is very close to the neighbouring property. In that case, the Council accepts that its decision to grant planning permission for a 2-storey side and rear extension post-dates the SPD. However, the Council has explained that the extension in that case was built closer to the site's side boundary than shown on the approved plans, which illustrate a set-back of 0.9m, as advised in the SPD. Furthermore, the scale and design of the side extension at No 155 differs to the proposal before me and so the two schemes are not directly comparable. For all of these reasons, I am unable to attach more than limited weight to the examples cited

by the appellants in support of the appeal. In any event, each proposal should be assessed on its own merits, as I have done.

12. On the main issue, I conclude that the proposed side extension would materially harm the character and appearance of the local area. As such, it conflicts with Policy ENV3 of the Black Country Core Strategy, Policies GP2 and ENV32 of the Walsall Unitary Development Plan and Appendix D of the SPD. These policies and guidance seek to ensure that new development preserves and enhances local character and positively contributes to the quality of the environment. The proposal would also fail to comply with the National Planning Policy Framework, which states that development should be sympathetic to local character and add to the overall quality of the area.
13. The Council appears to raise no objection to the proposed front and rear extensions. From the submitted evidence, I, too, find these elements of the appeal scheme acceptable in scale, design and position. However, my inspection of the plans indicates that the new front and rear extensions are not clearly severable from the proposed side addition, which is objectionable. Consequently, I am unable to issue a split decision that grants planning permission solely for them.

Conclusion

14. The proposed development conflict with the development plan. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.

Gary Deane

INSPECTOR