



Appeal Decision

Site visit made on 29 November 2022

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/C4615/D/22/3306054

3 Carters Lane, Dudley, Halesowen B62 0DH

- 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 K Sahota against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/0861, dated 10 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is a rear dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear dormer at 3 Carters Lane, Dudley, Halesowen B62 0DH in accordance with the terms of the application, Ref P22/0861, dated 10 June 2022, and the plan submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing ANS/324/02A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing dwelling.

Application for costs

2. An application for an award of costs was made by Mr K Sahota against Dudley Metropolitan Borough Council. This application will be the subject of a separate decision.

Procedural Matters

3. A rear dormer has been constructed at the appeal site, along with other extensions and alterations to the property. The Council set out that what has been built does not reflect either of the previous granted planning permissions¹, nor the submitted plan (ANS/324/02A), which is the subject of this appeal.
4. I saw, at the time of my site visit, the discrepancies between the plan and what has been built. However, the proposal before me relates to a rear dormer, and not the extensions. Moreover, I have not been provided with any revised plans for the dormer as built for consideration as part of this appeal.

¹ P21/1705 and P20/1281

5. Therefore, I have determined the appeal on the basis of the proposed development, as shown on the plan as submitted, and the description of development which is set out in the application form. Any discrepancies between the granted planning permissions, and what has been built would be separate matters for the appellant and the Council to resolve.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the area, and the effect on the living conditions of the occupants of No. 1 Carters Lane (No. 1).

Reasons

Character and appearance

7. The appeal property is one of a pair of semi-detached houses. The pair are positioned at the end of a secondary road with other pairs of similar semi-detached houses. The appeal site has two previous planning permissions for side, rear and front extensions and other alterations. The appellant has already commenced work on site and these alterations and extensions have already changed the appearance of the dwelling, especially as viewed from the rear, the school field behind and longer distance views from Manor Lane.
8. The appeal proposal is for a rear dormer to enable conversion of the loft space. This would be flat roofed with hanging tiles and two windows. I acknowledge that the dormer is large, and larger than the previously approved dormer. However, the scale of the proposed dormer is not out of keeping with the scale of the existing two-storey rear extension, nor the first-floor rear extension which it would be sited above. The existing extensions are large and have already altered the appearance of the rear elevation of the host dwelling. Therefore, the proposed dormer would fit in with these recently constructed extensions and be of a similar high-quality design.
9. The windows in the extended rear elevation of the host property are varied and do not have a consistent scale or layout. The windows in the dormer, as shown on the plan, are also different in size and shape. However, the general design, materials and colour of the proposed windows match the windows in the rest of the house. Furthermore, as there is no particular pattern to the window size or shape in the dwelling, the proposal would be in keeping with this varied window pattern.
10. For these reasons I conclude that the scale and design of the proposed rear dormer would reflect the character and appearance of the host dwelling and wider area. It therefore complies with the requirements of Policies CPS4, 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 matters, require development to be of a high quality, to be in keeping with the character of the built environment, to be of an appropriate form, siting, scale and mass and not be detrimental to the host dwelling.

Living conditions

11. The Council have raised concerns about the effect of the proposal on the living conditions of No. 1 in relation to the extension projecting over the boundary line and the proposed dormer not being severable from the extensions. I have

assessed the proposal, for the dormer as shown on the submitted plan. The other extensions to the dwelling are not before me. Whether the extensions have been built over the boundary does not influence the assessment of the proposed rear dormer and is a matter to be resolved between the main parties. Nonetheless, there is already overlooking from the two-storey and first-floor extensions, and there would not be any greater loss of light from the dormer to the occupants of either of the adjacent neighbouring properties. The living conditions, in terms of light, outlook and privacy, of No. 1 would not be affected to any greater degree by the proposal.

12. Consequently, I conclude the proposed rear dormer would not cause harm to the living conditions of No. 1. It is therefore in accordance with Policy L1 of the DBDS and the Dudley Planning Guidance Note 17, House Extension Design Guide 1998 which both seek, amongst other matters, to ensure that developments do not unacceptably harm the living conditions of neighbouring dwellings.

Other Matters

13. The Council has also provided copies of Policy TRAN2 of the CS and Planning Guidance Note 12 – The 45 Degree Code. However, this policy and the 45 Degree Code did not form a reason for refusal, nor were they cited in the decision notice.

Conditions

14. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance. Only one condition has been suggested by the Council, to require the development to be in accordance with the submitted plan. I agree that this is necessary and relevant in the interests of clarity as I have assessed the appeal on the submitted plan.
15. Although a rear dormer has already been built at the appeal site, I have considered the proposal as shown on the submitted plan rather than as built. Therefore, conditions are also required to ensure certainty and enforceability that the development, as shown on the plan, commences within 3 years of the permission and to require the materials to match the dwelling, in the interest of character and appearance.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

K Townend

INSPECTOR