



Appeal Decision

Site visit made on 8 January 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/V4630/D/22/3308943

8 Fibbersley, Willenhall, Walsall, WV11 3SU

- 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 Morris against the decision of Walsall Council.
 - The application Ref 22/0181, dated 6 February 2022, was refused by notice dated 28 July 2022.
 - The development proposed is described as an 'extension'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision notice refers to the proposed development as a 'two storey side extension and front porch extension'. As this describes the proposal in more detail than the description given in the application, I have used this as the basis for my decision.

Main issues

3. The main issues in this appeal are:-
 - the effect of the proposed development on the character and appearance of the dwelling and the street scene;
 - whether there is adequate parking provision.

Reasons

Character and appearance

4. The development plan includes policies CPS4, ENV2 and ENV3 of the Black Country Core Strategy (CS) (2011) and policies GP2 and ENV32 of the Walsall Unitary Development Plan (UDP) (2005) which together seek to ensure a high quality of design in all new development, reflecting a similar objective in the National Planning Policy Framework. CS policy HOU2 referred to in the Council's decision is not relevant to the proposed extension as it relates to housing density, type and accessibility in new housing developments.
5. 8 Fibbersley is a two storey semi-detached house located on a busy main road of mostly detached and semi-detached houses built in the same inter-war period to varying designs with modest gaps between dwellings. Some have been altered and in some cases side extensions have been built up to the side

boundary. In some cases that has resulted in a terracing effect and the loss or reduction of the gap at first floor level which detracts from the character and appearance of the street scene. Porch extensions are evident at some properties but not all are positive features. However, the appeal dwelling lies within a group of dwellings between nos 6 and 18 built in a similar style which are largely unaltered, retaining the symmetry of each pair, the gaps between dwellings and features which are reflective of the period. This contributes positively to the character of the dwellings and the street scene.

6. The proposal would extend up to the side boundary with no 6 and despite its hipped roof, would substantially reduce the gap between the dwelling and its neighbour, a detached property with an attached garage sited adjacent to the side boundary. This would be contrary to the Council's Supplementary Planning Document 'Designing Walsall' which requires a gap of at least 0.9m and a minimum 1m setback at first floor level to avoid a terracing effect. If this proposal were allowed it would be difficult for the Council to resist any similar future proposal at the neighbouring dwelling which result in an unacceptable terracing effect at odds with the gaps between the other dwellings in this group.
7. As the adjoining dwelling has not been altered to the side, it is important that any side extension seeks to retain some symmetry of the pair. Despite a setback from the front elevation of some 200mm and the set down of the ridge from the main roof, the lack of a 1m setback would also increase the prominence of the extension, creating an unbalanced front elevation in the pair.
8. Although the original arch feature has been filled in with an additional front door, the siting of the proposed porch in front of the arch, together with the canopy across the side extension, would detract from the original character of the dwelling.
9. The appellant has indicated the need to accommodate a double bed in the side extension and says that if reduced in scale the room would be unusable but I have not been told of any sufficiently compelling personal circumstances that might justify the scheme as proposed or that there is no alternative means of providing some additional accommodation at the property. This private matter does not, therefore, outweigh the wider public harm that would be caused by this proposal. Whilst the SPD provides guidance and not policy, there are no exceptional circumstances or compelling reasons why it should not be followed in this case.
10. I have taken into consideration the other examples of similar extensions nearby referred to by the appellant at nos 20, 22 and 26. The first of those extensions, to no 26, was permitted some time ago in 2012 and whilst the Council's current policies were in force at that time, national policy since then has strengthened the emphasis on good quality design. It seems to me that the extension to no 26 may have set a precedent for subsequent permissions within that group of dwellings. However, that group is sited closer to the road at a point where the road bends slightly and is not therefore seen within the same immediate context as the appeal site. As such, those examples are not directly comparable and do not set a precedent for this proposal.

11. For these reasons, I conclude that the proposed extensions would significantly harm the character and appearance of the dwelling and the street scene, contrary to the development plan policies referred to earlier.

Parking provision

12. UDP policies T7 and T13 require that new development provides parking provision in accordance with the Council's standards and that it is well designed to avoid a harmful impact on the highway and the environment.
13. The Council's requirement for three spaces is appropriate because the study indicated at first floor level in the plans could potentially be used as a bedroom and a condition requiring its retention as a study would not be enforceable.
14. Although the application did not indicate parking provision, the appellant has provided a parking plan as part of the appeal documents. Whilst this indicates that the site could provide three spaces, that would require the demolition of the whole of the front boundary wall, unlike the extended dwellings at nos 20, 22 and 26 which have retained part of the front wall. The removal of the front boundary would open up a large amount of hardstanding which would be at odds with the more enclosed character of most of the surrounding properties and this would detract significantly from the character and appearance of the street scene.
15. I conclude, therefore, that the proposal fails to provide adequate, well designed parking provision, which by reason of its impact on the street scene would cause significant harm to the environment, contrary to the policies referred to above.

Conclusion

16. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and there are no material considerations that would outweigh this. The appeal should be dismissed.

Sarah Colebourne

Inspector