



Appeal Decision

Site visit made on 7 February 2023

by Samuel Watson BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/G4620/D/22/3309013

143 Bloomfield Road, TIPTON, DY4 9EB

- 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 Miss Eglantine Faure against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/66945, dated 1 April 2022, was refused by notice dated 22 July 2022.
 - The development proposed is for seven solar-powered external roller shutters (three at rear & four at front).
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Decision

1. The appeal is dismissed insofar as it related to the roller shutters at the front of the dwelling. The appeal is allowed insofar as it related to the three roller shutters at the rear of the dwelling and planning permission is granted for three solar-power external roller shutters at the rear of 143 Bloomfield Road, Tipton DY4 9EB in accordance with the terms of the application, Ref DC/22/66945, dated 1 April 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Preliminary Matters

2. At the time of my visit the shutters had been installed to the front and rear of the dwelling. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
3. The description of development in the header above has been amended to remove the term "retention" as this is not a description of development. The description has otherwise been taken from the Council's decision notice which is clearer than the description in the planning application form.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

1. The appeal site consists of a semi-detached dwelling at the end of a uniform terrace and part of a wider row of terraces that are, in their own styles, also uniform. These terraces are set behind a tall, mature hedgerow that screens views of the ground floor from Bloomfield Road. Views are, however, afforded of the upper floors and the fenestration contributes towards the uniform nature of the development. To the rear of the site, the terrace is less formal with more variety in the built environment and personalisation visible. As noted above,

the shutters have already been installed on the front and rear of the building. The shutters themselves consist of a box above the windows that contains the roller shutters and two runners either side of each window. The shutters, box and runners are all finished in a dark grey.

2. When open, only the box and runners are visible. However, the boxes are, by way of their size, the extent to which they project from the wall, and their grey colouring, prominent features against the red brick wall. Their prominence would be further increased by the closing of the shutters which would result in solid grey rectangles replacing the white windows. In this way, the shutters, whether open or closed, jar with the uniform fenestration across the front of the terrace. Cumulatively the shutters, as they are visible over the hedgerow, present a prominent and alien feature on the front of the terrace that harms the character and appearance of the street scene.
3. The appellant suggests that they primarily use the shutters at night, but I note also that they submit that the shutters are used to shield the rooms from direct sunlight. It is therefore clear that they are also used during the day. The shutters would be most visible during the day, but although likely less prominent, they would still be visible at night where the dark grey would contrast with the lighter brickwork.
4. Although the solar panels on the adjoining dwelling are a visible feature, they are by their nature, siting and colour, less intrusive than the shutters on the host dwelling. Therefore, whilst they may have some effect on the sense of uniformity across the terrace, this does not justify the proposal before me. Moreover, all proposals must be considered on their own merit.
5. As noted above, a set of three shutters have been installed to the rear of the dwelling. These are identical in style to those at the front but include a larger version across the ground floor patio doors. The rear of the property faces on to a garden, parking areas and a variety of buildings. The lack of uniformity, and the greater sense of personalisation to this side of the terrace means that the harm identified to the front of the dwelling is not present at the rear. I also note that the Council have not referred to any harm occurring from the rear elevation.
6. The appellant has requested that I consider a split-decision in this instance as they consider that the Council find the rear shutters to be acceptable. I am not obligated to issue a split-decision, but where the acceptable and harmful elements of a proposal can be clearly severed such a decision can be issued.
7. I have found above that the rear shutters do not result in harm to the character and appearance of the area. It is also clear that these shutters are distinct and clearly severable from those at the front of the dwelling and can be identified as such. Therefore, in this case I consider that a split decision would be possible.
8. In conclusion, the shutters installed on the front elevation of the host dwelling result in harm to character and appearance of the surrounding area. They therefore conflict with Policy ENV3 of the Black Country Core Strategy (the BCCS) and Policy EOS9 of the Site Allocations and Delivery Development Plan Document (the DPD) which, collectively and amongst other matters, require developments to be of a high quality design that pays regard, and responds positively, to the identity of its setting. The shutters installed on the rear

elevation, however, do not result in harm and therefore comply with BCCS Policy ENV3 and DPD Policy EOS9 as outlined above.

Conditions

9. I have had regard to the condition suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. As the development has already been carried out, it would not be necessary to impose a condition requiring works to begin within three years of this permission. I have therefore not attached this condition and no other conditions were suggested by the Council.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Samuel Watson

INSPECTOR