

Appeal Decision

Site visit made on 7 February 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/C4615/D/22/3306580

65 Lodge Crescent, Netherton, Dudley, DY2 0HG

- 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 Smith against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/0648, dated 3 May 2022, was refused by notice dated 28 June 2022.
 - The development proposed is erection of single storey annexe and garage to rear garden (retrospective permission required).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal has already taken place.
3. It was the appellant's understanding, following telephone correspondence with the Council, that the development comprised permitted development. However, further to the Council visiting the appeal property in 2020, it was confirmed that the development required planning permission and that a planning application should be submitted.
4. A subsequent planning application¹ for the development the subject of this appeal was refused in June 2021. The appellant notes that an appeal was subsequently made but that this was submitted out of time. The application relating to this appeal was submitted in May 2022.
5. The Council's decision notice referred to land instability as a reason for refusal. However, the development the subject of this appeal is some considerable distance away from the canal embankment and there is no substantive evidence before me to demonstrate that the development results in any harm in this regard.

Main Issues

6. The main issues in this case are the effect of the development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook and privacy.

¹ Reference: P21/0536.

Reasons

Character and appearance

7. The appeal property is a two storey end-terrace dwelling. It is set back at a higher level than the road behind a front garden and steps. The appeal property has a large garden to the rear. The rear garden rises steeply from the house, from which steps rise to a level area. The large modern garage and the annex the subject of this appeal are located within this level area of the rear garden, where there are also sitting areas and decking.
8. The appeal property is located within a residential area characterised by the presence of terraced and semi-detached two storey dwellings. Dwellings are set back from the road behind generous front gardens and have gardens to the rear.
9. Dwellings in the same terrace as and close to the appeal property, have long gardens to the rear. These rise towards scrubland and woodland to the rear, beyond which is the Dudley Canal. Large gardens and the presence of surrounding areas of greenspace lend the area a green and spacious character.
10. Together, the garage and the annex comprise a substantial form of development, comprising two large buildings of significant mass and of “boxy” appearance. The location of the buildings, high above the road and raised well above the host property, combines with the scale of the development to result in them appearing as unduly dominant features in their immediate surroundings.
11. Further to the above, whilst I noted during my site visit that there are a wide range of outbuildings in rear gardens, including both modern and dilapidated sheds, these appear smaller and draw less attention to themselves than the development the subject of this appeal. Generally, these other outbuildings appear as ancillary buildings in keeping with the area’s garden setting.
12. By way of contrast, the annex has a wholly domestic appearance and together with the garage, draws the eye such that the development as a whole appears as a small dwelling and a large garage within a garden area which, in part due to the significant change of levels, has a distinct sense of separation from the host dwelling.
13. Taking all of the above into account, the development appears as a prominent and incongruous feature, out of keeping with the area’s garden setting. As such, the development harms the character and appearance of the area, contrary to the National Planning Policy Framework; to Core Strategy² Policy ENV3; and to Development Strategy³ Policies L1 and S6, which together amongst other things, seek to protect local character.

Living Conditions

14. Together, planting, fences, boundary features, existing structures and the orientation of the annex and sitting areas all combine to provide a degree of

² Reference: Black Country Core Strategy (2011).

³ Reference: Dudley Borough Development Strategy (2017).

privacy, such that there is little scope for such direct overlooking between the development and neighbouring dwellings as to result in significant harm.

15. However, the scale of the development, when combined with its height and close proximity to the rear elevation of Number 63 Lodge Crescent, results in the development appearing to “loom” above that property to an overbearing degree. This results in significant detriment to the outlook from the rear of that property.

16. Consequently, I find that the development harms the living conditions of neighbouring occupiers with regards to outlook. This is contrary to the National Planning Policy Framework, to Core Strategy Policy ENV3; to Development Strategy Policies L1 and S6; and to the Council’s House Extensions SPG⁴, which together amongst other things, seek to protect residential amenity.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

⁴ Reference: Supplementary Planning Guidance Note 17 (House Extension Design Guide) (1998).