

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/22/3313527

5 Springfield Drive, Halesowen, Dudley, B62 8EU

- 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 Fakhra Parvin against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/1425, dated 29 September 2022, was refused by notice dated 20 December 2022.
 - The development proposed is rear conservatories.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development is taken from the application form. The Council's decision notice describes the proposed development as "single storey side/rear extension (retrospective). Single storey rear extension (resubmission of refused application P22/1086).
3. The proposed development the subject of this appeal has been developed in part. However, the whole of the proposal has not been completed and consequently, I refer to "the proposed development" below.

Main Issues

4. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of the occupiers of Number 7 Springfield Drive, with regards to outlook, sunlight and daylight.

Reasons

Character and appearance

5. The appeal property is a two storey semi-detached dwelling, extended to the side and rear and set back from the road behind a driveway. It has a garden to the rear and there is a large annex building towards the end of the garden.
 6. The appeal property is located within a residential area characterised by the presence of predominantly two storey semi-detached dwellings, with the occasional presence of single storey and detached dwellings. Houses tend to be
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set back from the road behind front gardens and/or parking areas and have longer gardens to the rear.

7. During my site visit, I observed that many dwellings in the area have been altered and/or extended and that these changes generally appear in keeping with host properties and their surroundings.
8. I also noted during my site visit that the area to the rear of the appeal property adjoins other rear gardens within a notably green and spacious garden setting.
9. The proposed development would add significant volume to an already extended property. Together, the proposals would result in an overall scale and mass of development that would serve to overwhelm, rather than appear subordinate to, the host dwelling. Further, the scale of development proposed would result in the appeal property projecting beyond the rear extension of its neighbouring dwelling, Number 3 Springfield Drive, which itself has also been considerably extended to the rear.
10. The harm arising from all of the above would be exacerbated by the totality of development resulting in the dwelling appearing unduly dominant in its surroundings, detracting from the area's green and spacious qualities.
11. Consequently, the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Core Strategy¹ Policies CPS4, ENV2 and ENV3; to Development Strategy² Policies L1, S1, S6 and S8; and to the Council's House Extensions SPG³, which together amongst other things, seek to protect local character.

Living conditions

12. The proposal would include the extension of the appeal property to the rear immediately adjacent to the shared boundary with Number 7 Springfield Avenue.
13. This element would project for some considerable distance and I find that this projection, together with the height and the immediate proximity of the proposed extension, would result in it appearing to "loom" above No 7 to an overbearing degree, when seen from the rear of that property.
14. In this regard, I am mindful that No 7 has a habitable ground floor room, located in very close proximity to the proposed development and which looks out directly onto No 7's rear garden. I find that the proposed development would appear so overbearing as to cause severe detriment to the outlook from this room, such that it would result in significant harm to the occupiers of that property.
15. Whilst there is no substantive evidence before me to demonstrate that the proposal, which would be located to the north of No 7, would result in a significant loss of daylight or sunlight, this is not a factor which mitigates or reduces the harm identified.

¹ Reference: Black Country Core Strategy (2011).

² Reference: Dudley Borough Development Strategy (2017).

³ Reference: Supplementary Planning Guidance Note 17 (House Extension Design Guide) (1998).

16. Taking all of the above into account, I find that the proposed development would harm the living conditions of the occupiers of Number 7 Springfield Drive with regards to outlook. This is contrary to the National Planning Policy Framework, to Core Strategy Policy ENV2; to Development Strategy Policies L1 and S6; and to the Council's House Extensions SPG, 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