

Appeal Decision

Site visit made on 14 March 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref. APP/C4615/D/23/3315570

100 Victoria Street, Wall Heath, Kingswinford DY6 0LX

- 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 and Mrs Siviter against the decision of Dudley Metropolitan Borough Council.
 - The application ref. P22/1625, dated 7 November 2022, was refused by notice dated 22 December 2022.
 - The development proposed is "*Erection of a detached double garage with ancillary accommodation in roof space (resubmission of refused application P22/0334)*".
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached double garage with ancillary accommodation in roof space (resubmission of refused application P22/0334) at 100 Victoria Street, Wall Heath, Kingswinford DY6 0LX in accordance with the terms of the application ref. P22/1625, dated 7 November 2022, 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 numbered: 100VS/0611/001 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those of the existing dwelling house.
 - 4) The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the existing dwelling house known as 100 Victoria Street, Wall Heath, Kingswinford DY6 0LX and shall not be sold or let separately from that dwelling house without the express grant of planning permission.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and the surroundings.
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Reasons

3. The appeal site contains an extended 2-storey detached house with sizeable front and rear gardens. It is said to date from the 1930s or 1940s. Located between 106 Victoria Street and the dwellings at 55-59 Cross Street, it is part of a predominantly residential area in Wall Heath. This leg of Victoria Street is a cul-de-sac which begins to fall away downhill to the south-west beyond the frontage of the appeal property.
4. The appellants wish to build a double garage with a home office/study over which would also serve as an extra lounge/TV area for their children. A small toilet/shower room would be included on the upper floor. The former garage at the side of the dwelling where the building would be located has already been removed. A timber shed in the side yard would also need to be taken down.
5. Whilst the proposed building would have 2 floors, it is important to note that the upper floor would be wholly within the roof space, with not all of that floor space being useable owing to the limited headroom. The upper floor would have no obvious external expression in public views from the front. The building is not excessively sized in any dimension; it would apt for its intended purpose and for little more. That the ridge of the proposed building would be marginally higher than the eaves of the main house is essentially a product of the inclusion of a steeply pitched roof. The building would have limited bulk and mass at that upper level. Its vertical emphasis would reflect that of the main dwelling which has a tall pyramid-shaped hipped roof, a double height advanced bay to the front and a position somewhat elevated above road level.
6. The proposed building would be a notable structure in its own right, but it would not come close to challenging the dominance of the main dwelling in terms of its overall size, scale, built form, bulk and height. Moreover, the simple gabled design, the inclusion of a steeply pitched roof that complements the existing house, the absence of any window openings directly above the garage doors, the natural location of the building next to the house where there is still a base for the former garage and the use of matching materials, are all features that reasonable observers might associate with a well-designed, visually subservient and complementary adjunct to the main dwelling that makes a positive contribution to the character and appearance of the site.
7. Being sited in line with the front of the house well back from the highway, the building would have only a limited impact on the street scene, viewed in the round, even if the substantial and attractive roadside hedge was ever removed. In any event, I have no reason to believe a screen hedge of this quality would be removed. I observed during my site visit that when approaching up Victoria Street from the south-west, the proposed building may seem quite high in relation to no. 106 but that would be primarily because of the notably higher ground level at no. 100, rather than because the building would be somehow out of scale. It would also be seen against the backdrop of the south-western flank of the appeal property in those glimpsed views.
8. More generally, the building would not appear inappropriate when taking in its surroundings which includes the sizeable host plot with ample open garden areas retained, the huge diversity in the local built environment in terms of the age, height, siting and form of the nearby dwellings on Victoria Street and

Cross Street and the visible presence of outbuildings at adjacent properties on Cross Street. I noted the new dwelling on an infill plot at 1a Albert Street but that is some distance away from the appeal site; it has added little to my assessment which is based on the individual merits of the specific proposal before me and the physical circumstances of the site and its surroundings.

9. Taking into account the above, I do not share the Council's view that this would be a discordant and incongruous addition. I find on the main issue that the effect the proposed development would have on the character and appearance of the site and the surroundings would not give rise to any material harm. There would be respect for the relevant criteria and principles relating to place-making, design, local character and local distinctiveness in Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy 2011, Policies L1, S6 and S8 of the Dudley Borough Development Strategy 2017, Planning Guidance Note No. 17 House Extension Design Guide and the National Planning Policy Framework.
10. The Council's Delegated Report (DR) suggested that whilst the level of accommodation could be considered tantamount to a new dwelling, this would not in itself constitute a separate reason for refusal. I see no reason to take a contrary view. It is important to consider the proposal as applied for on its own merits. There is no separate dwelling before me. The application was registered, validated and advertised as a proposal that includes ancillary accommodation in the roof space in accordance with the description of the proposal on the application form and the Council's decision notice. The red edge of the application site surrounds the whole site of 100 Victoria Street. As noted in the Council's DR and Questionnaire (Q), it would be possible through the imposition of a planning condition to restrict the future use of the building such that it shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 100 Victoria Street. This will reflect the purposes stated by the appellants, whilst the building's use for other purposes is likely to raise wholly different considerations which could well be unacceptable in planning terms.

Conditions

11. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawing is necessary as this provides certainty. A condition controlling external surfaces is necessary in the interests of local character. I have also imposed the fourth condition the Council suggested in its Q regarding the use of the building for the reasons I gave in the paragraph above.

Conclusion

12. My finding on the main issue is decisive to the outcome of this appeal. For the reasons given above and having regard to all other matters raised and the lack of objections from local residents and organisations, I have concluded that this appeal should succeed.

Andrew Dale

INSPECTOR