



Appeal Decision

Site visit made on 25 April 2023

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/C4615/D/23/3316304

20 Brayford Avenue, Brierley Hill, Dudley, DY5 3PW

- 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 Dennis Tombs against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P22/1696, dated 18 November 2022, was refused by notice dated 16 January 2023.
 - The development proposed is erection of double storey front extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host dwelling and surrounding area; and its effect on the living conditions of the occupiers of 24 Brayford Avenue, with particular reference to outlook.

Reasons

Character and appearance

3. The appeal relates to a two-storey detached dwelling with a single storey projection to the front and a conservatory to the rear. It is located at the end of a row of four detached houses of a similar design and appearance although 14 Brayford Avenue is wider and incorporates a gable across part of its front elevation.
4. The surrounding area comprises mainly of detached and semi-detached dwellings of various designs, including some with a front gable. These include a row of dwellings opposite the appeal site.
5. The appeal property and 18 Brayford Avenue are sited forward of Nos 14 and 16 Brayford Avenue and are already more prominent in the street scene. Both Nos 18 and 20 have a single storey front projection with a sloping mono-pitched roof. The proposed extension would be above the existing front projection and would extend across the full width of the dwelling. Whilst the depth of the extension would only be about 2.5 metres, it would appear highly prominent in the street scene due to its siting forward of the adjacent row of dwellings.

6. The prominence of the front extension would be accentuated by its gabled design which would contrast with the roof form of the adjacent dwellings, Nos 18 and 16 Brayford Avenue and the dwellings immediately to the west. The first floor element would extend forward of the main front elevation of the adjacent dwelling, No 18, and as such it would be a highly dominant, intrusive feature in the street scene. I acknowledge some of the dwellings in Brayford Avenue have front gables as part of their original design. However, it is the prominence of the front extension together with its design which contrasts with the appearance of the existing dwelling and the group of dwellings within which it sits, which I find would be harmful to the character and appearance of the host property and the surrounding area.
7. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area. Thus, it would be contrary to the Policies ENV2 and ENV3 of the Black Country Core Strategy (2011) (CS), Policies L1 and S6 of the Dudley Borough Development Strategy (2017) (DS) and the Council's Planning Guidance Note No 17 - House Extension Design Guide (1998) (PGN 17), which together amongst other things, seek to protect local character.

Living conditions

8. The front elevations of Nos 22 and 24 Brayford Avenue face towards the flank elevation of the appeal property. The existing outlook from No 22 is towards the circa. 2 metre high boundary fence and the two storey flank wall of the appeal property beyond.
9. Windows on the front elevation of No 24 currently face towards the boundary fence with the part two storey, part single storey flank elevation of the appeal property beyond. The proposed extension would have a depth of about 2.55 metres and would be directly opposite the front elevation of No 24. The Council state that the distance between the front elevation of No 24 and the flank elevation of the appeal property is around 11 metres.
10. The Council's PGN 17 whilst not statutory, provides useful guidance for householder development. Regarding outlook, the guidance states that the minimum distance between front/rear facing windows of one property and two storey walls of another is 14 metres.
11. The separation distance between the proposed extension and the front elevation of 24 Brayford Avenue falls short of the 14 metre guidance, set out in PGN17, however this is already the case with the original siting between Nos 22 and 24 and the appeal property. Within the context of the spatial standards that exist in the immediate area, I do not consider that the proposed extension would appear so overbearing on the outlook from the front windows of No 24 such that it would result in significant harm to the living conditions of the occupiers of that property. Moreover, a reasonable outlook from the dwelling would still be obtainable through the gap to the south east, in between No 26 and the flank elevation of the appeal property.
12. Thus, I find that the proposal development would not have a harmful effect on the living conditions of the occupiers of 24 Brayford Avenue with particular regard to outlook. Accordingly, the proposal would comply with Policies S6 and L1 of the DS which, amongst other things, seek to protect residential amenity.

Conclusion

13. Whilst I have found that the proposed development would not have a harmful effect on the living conditions of the occupiers of 24 Brayford Avenue with particular regard to outlook, the harm that would be caused to the character and appearance of the existing dwelling and surrounding area leads me to conclude that the proposal would conflict with the development plan as a whole. In accordance with S38(6) of the Planning and Compensation Act 2004 development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. There are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR