



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/P1805/D/23/3316939

51 Stourbridge Road, Hagley, Worcestershire, DY9 0QS

- 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 R Lal against the decision of Bromsgrove District Council.
 - The application Ref 22/00834/FUL, dated 16 June 2022, was refused by notice dated 29 November 2022.
 - The development proposed is described as ground floor and first floor rear extensions, loft conversion including dormer to the rear (Re submission of 21/01226/FUL enlarging the first floor rear extension).
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Decision

1. The appeal is allowed and planning permission is granted for ground floor and first floor rear extensions, loft conversion including dormer to the rear (Re submission of 21/01226/FUL enlarging the first floor rear extension) at 51 Stourbridge Road, Hagley, Worcestershire, DY9 0QS in accordance with the terms of the application, Ref 22/00834/FUL, dated 16 June 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 plans: 0622/001 Rev G.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 49 Stourbridge Road, with particular reference to light and outlook.

Reasons

3. The appeal property is a two storey, end of terrace dwelling. It has been significantly extended, with various single storey extensions to the rear adjacent to the boundary with 49 Stourbridge Road.

4. Planning permission¹ has been granted for extensions and alterations to the appeal property, including the erection of a first floor rear extension in the same location as the appeal proposal, but of a reduced projection. This permission has not been implemented to date but remains extant.
5. The proposed first floor rear extension would, in part, infill a recessed area as already permitted under the extant planning permission. The extension would sit above an existing single storey flat roof addition and would of a greater depth compared to the consented scheme. The eaves height of the extension would be similar to that of the existing dwelling, but it would have a gable end with its shallow pitched roof sloping away from the boundary with No 49.
6. The Council's main concern is the effect of the proposal on a side facing window on the flank elevation of 49 Stourbridge Road. The side elevation of No 49 is set in approximately 5 metres from the boundary with the appeal property. There is also a single storey outbuilding to the side of No 49 which is adjacent to the boundary with the appeal site and is close to, but slightly offset, from the flank window of concern.
7. The Council state within their refusal reason that the window is the only source of light to a dining area as highlighted in the representations from the occupant of No 49. Whilst the appellant disputes that the window is the sole light source to the room, I have no substantive evidence before me that this is the case. Furthermore, on my site visit, I noted that the window is relatively large and clear glazed and I have no reason to believe that the room it serves is not, or is not capable of being, a habitable room. I shall therefore determine the appeal on this basis.
8. Policy BDP1 of the Bromsgrove District Plan 2011-2030 (January 2017) (DP) states that in considering all proposals for development in Bromsgrove District regard will be had to several criteria, including compatibility with adjoining uses and the impact on residential amenity. The Council's High Quality Design Supplementary Planning Document (2019) (SPD) also seeks to ensure that consideration has been given to the impact on neighbouring occupiers and the protection of neighbouring amenity.
9. The existing two storey flank wall of the appeal property and the single storey extension to the rear already dominate the outlook from the window on the side of No 49, along with the existing outbuilding adjacent to the window. The proposal would involve raising the height of the flank wall of the existing single storey extension by about 2.5 metres to the new eaves. The pitched roof over the extension would slope away from the boundary and would sit well below the proposed dormer window in the main roof slope of the dwelling.
10. There would undoubtedly be some change to the outlook from the side window of No 49, particularly in a skyward direction although its outlook in a north-westerly direction would not be significantly impacted. Given the height and design of the proposal with its shallow, sloping roof away from the boundary together with the intervening distance between it and the flank elevation of No 49, I find that the proposed extension would not appear so overbearing as to cause significant detriment to the outlook from this room, such that it would result in material harm to the living conditions of the occupiers of that property.

¹ LPA ref. 21/01226/FUL

11. With regard to light, I note that the proposed extension is to the north-north west of the flank elevation of No 49 and, taking account of the normal daily path of the sun, I am satisfied that any loss of sunlight to the window would be very limited. With regards to natural light, I consider that the effects of the proposal would be also limited given the orientation and siting of the extension relative to the window and the separation distance that would continue to exist between the side window on No 49 and the appeal property.
12. The proposal also involves a small single storey infill extension and a loft conversion including a dormer to the rear. The Council has raised no objection to these elements of the proposal and I concur with the view that these extensions would be of an appropriate design and appearance and would not have any adverse effect on the living conditions of adjacent occupiers.
13. I therefore conclude that the proposal would not have a significant harmful effect on the living conditions of the occupiers of 49 Stourbridge Road with particular reference to light and outlook. Thus, the proposal accords with Policy BDP1 of the DP, the SPD and the National Planning Policy Framework which collectively seek to protect the living conditions of existing and adjacent occupiers.

Conditions

14. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition requiring the use of matching materials is necessary to protect the character and appearance of the dwelling and the local area.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR