
Appeal Decision

Site visit made on 9 May 2023

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH May 2023

Appeal Ref: APP/V4630/D/23/3314176

17 Maw Street, Walsall, WS1 3LG

- 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 Harpreet Singh against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 22/0885, dated 21 June 2022, was refused by notice dated 14 October 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The extension has been erected and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 15 Maw Street, with particular reference to outlook and light.

Reasons

4. The appeal property is a two storey, end of terrace dwelling. The property has been extended in the past with a brick-built single storey rear extension with a depth of around 3.8m. This extension has a shallow sloping mono pitch roof and its solid brick flank wall is sited adjacent to the boundary with the adjoining dwelling, 15 Maw Street.
5. The proposal relates to a white clad conservatory type extension which has been constructed to the rear of the existing lawful rear extension, adding a further depth of about 2.8m. The roof of the extension also very gently slopes to the rear, with a maximum height of about 2.5m above the ground on which it sits. The extension is however on raised ground which is at a higher level than the remainder of the rear garden which is accessed via steps.
6. Appendix D (Numerical Guidelines for Residential Development) of the Council's Supplementary Planning Document Designing Walsall (SPD) refers to the application of a '45 degree design code' particularly where new development impacts on existing. There is no dispute that the 45 degree line from the

- nearest habitable room on the rear of No 15 is already breached by the lawful brick built extension.
7. The proposed extension is sited on the boundary with 15 Maw Street. Whilst the rear garden of No 15 also slopes down to the rear, the part of the garden adjacent to the extension appears to be at its natural level. As the proposed extension has been constructed on raised ground, a consequence of this is that the overall height of the flank wall of the extension appears greater than 2.5m (max) when view from the rear garden of No 15.
 8. Due to the height of the proposed extension above the adjacent ground level, the additional depth and the position of the extension on the boundary with No 15, I consider that the proposed extension would be visually prominent and overbearing when viewed from the closest ground floor window on the rear elevation of No 15 as well as from the rear garden of the property.
 9. Whilst the existing brick built extension undoubtedly has an impact on the outlook from No 15 due to its height, depth and siting adjacent to the boundary, the addition of a further 2.8m of flank wall, albeit white clad, adds to the harm already caused to the outlook from No 15. The effect of the proposal on the outlook from No 15 would, in my view, result in material harm to the living conditions of the occupiers of that dwelling.
 10. The proposed extension is on the western side of 15 Maw Street. In the absence of any substantive evidence to the contrary in the form of a Sunlighting and Daylighting report, I also consider that due to the natural path of the sun, the proposed extension by virtue of its height, additional depth and close proximity to the boundary is likely to result in some additional overshadowing of No 15's rear garden and rear ground floor window, particularly in the late afternoon and evening. This further adds to my concerns regarding the effect of the extension on the living conditions of existing and future occupiers of No 15.
 11. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of 15 Maw Street with particular reference to outlook and light. The proposal would not comply with Policy CSP4 of the Black Country Core Strategy (February 2011), Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan (March 2005) and Appendix D of the SPD which collectively seek to ensure new development takes account of its context and surroundings and considers the effects of neighbouring properties with regard to outlook and light.

Other Matters

12. I acknowledge the absence of an objection from the neighbouring occupier and size and scale of extensions which can amount to permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. However, the proposal before me is not permitted development and I have determined it on its own merits.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR