



Appeal Decision

Site visit made on 12 June 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/G4620/D/23/3316677

68 Myvod Road, Wednesbury, Sandwell, WS10 9QE

- 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 Ms Vikki Whitehouse against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/67549, dated 26 September 2022, was refused by notice dated 2 December 2022.
 - The development proposed is a double storey side extension and loft conversion with rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension and loft conversion with rear dormer at 68 Myvod Road, Wednesbury, Sandwell, WS10 9QE in accordance with the terms of the application Ref DC/22/67549, dated 26 September 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) 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;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: ED22-0630PB (Site/Block Plan); ED22-063-03 (Proposed Floor Plan) and ED22-063-04 Rev A (Proposed Elevation Plans).

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers with regards to outlook.

Reasons

3. The appeal property is a two storey semi-detached dwelling. Whilst generally a main road, Myvod Road in this location includes the cul-de-sac along which the appeal property is sited.
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4. The appeal property is situated such that the side of the dwelling faces towards the rear of dwellings along the main road and its rear garden backs onto the rear gardens of those dwellings.
5. The appeal property is located in a residential area largely characterised by the presence of two storey semi-detached and terraced dwellings. Dwellings tend to be set back behind front gardens and/or parking areas and have longer gardens to the rear.
6. 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. Further, I also noted that, due to the juxtaposition of houses located along the main Mynod Road and along the side roads that include the cul-de-sac within which the appeal property is located, the rear windows of dwellings look out over, towards and across neighbouring gardens from close proximity.
7. The proposed development would extend the appeal dwelling to its northern boundary at two storey height and would include a dormer that would be set away from this northern boundary.
8. Whilst the proposal would close a gap to the side of the appeal dwelling, it would only project a small distance relative to the overall width of the dwelling. Further, whilst the rear of the dwelling directly to the north of the appeal property has been extended to the rear at ground floor and at roof level, I find that there would still be considerable garden space between the rear elevation of this neighbouring dwelling and the proposed development.
9. Consequently, whilst the proposal would bring the built form of the appeal dwelling closer to the rear of this neighbouring dwelling, it would do so in a manner that would not appear overbearing to any harmful extent. In this regard, I am mindful that the proposed development would be set back slightly from the front elevation and would not extend any further than the existing rear elevation of the appeal dwelling. Consequently, it would be no greater in depth – and would be slightly less deep – than the existing dwelling.
10. Further to the above, during my site visit I noted that there are two clear-glazed windows and one obscure-glazed window to the north-facing side of the appeal property. These face directly towards the rear of the dwelling immediately to the north. The proposed development would not include any windows to the northern elevation of the appeal dwelling and I note that this change brings with it the potential to benefit the privacy of neighbours.
11. The proposed development would not result in any significant change in respect of the appeal property's relationship with other dwellings. It would result in part of the dwelling appearing a little closer to other neighbouring dwellings to the north, but the proposal would be seen above existing boundaries and outbuildings and would be separated from these dwellings by the presence of considerable garden space.
12. The Council's Revised Residential Design Supplementary Planning Document (SPD) (2014) recommends minimum gaps between neighbouring elevations. However, in this specific case, I consider that the circumstances relating to this proposal are such that it would not result in such harm as to justify dismissal of

this appeal. I note that whilst the SPD provides important design guidance, it provides guidance rather than policy requirements to be slavishly adhered to.

13. Taking all of the above into account, I find that the proposed development would not harm the living conditions of neighbouring occupiers with regards to outlook and it would not be contrary to the National Planning Policy Framework, to Core Strategy¹ Policy ENV3; or to SADDPD² Policy EOS9, which together amongst other things, seek to protect residential amenity.

Conditions

14. I have considered the conditions suggested by the Council against the tests set out in Paragraph 56 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
15. A condition controlling external surfaces is necessary in the interests of local character.

Other Matters

16. Objections to the proposal were received from neighbours on grounds of its effects on privacy and noise and disturbance. In determining the application the subject of this appeal, the Council considered these matters but did not refuse the application on the grounds of privacy or noise and disturbance.

Conclusion

17. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

¹ Reference: Black Country Core Strategy (2011).

² Reference: Sandwell Site Allocations and Delivery Development Plan Document (2012).