



Appeal Decision

Site visit made on 28 June 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/V4630/D/23/3318399

67 Park Hall Road, Walsall, WS5 3HL

- 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 Richard Hayre against the decision of Walsall Council.
 - The application Ref 22/1707, dated 10 December 2022, was refused by notice dated 7 February 2023.
 - The development proposed is a two-storey rear extension with side-facing dormers.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The wording of the description of the development used in the heading above is different to that stated on the planning application form. However, it is consistent with the appeal form and the Council's decision notice. Therefore, I am satisfied that the description above is accurate.

Main Issues

3. These are: the effect of the proposal on the character and appearance of the area; the effect on the living conditions of the occupants of number 65 Park Hall Road; and the effect of the proposal on existing trees that are located adjacent to the side boundary of the site.

Reasons

Character and Appearance

4. The appeal property is a detached dwelling, which is situated on the corner of Park Hall Road and Treyamon Road. The area is mixed in character and appearance with dwellings varying in their ages, styles and scale. The appeal property itself has been extended, including a relatively large side extension and a conservatory at the rear. I also note that an earlier application (reference: 21/1745) to construct a two-storey rear extension and a replacement roof with front and rear dormer windows was refused by the Council and then dismissed at appeal. That proposal was refused for reasons relating to the scale of the extension; its impact on neighbouring property; and the effect on semi-mature trees at the side of the property.
5. The current appeal proposal seeks to overcome the recent refusal by amending the design and scale of the extension. The proposal is now for a two-storey rear extension, which would be some 8.5m deep and 6.8m wide. It would

provide a living room on the ground-floor and two bedrooms with en-suites in the roof area at first-floor level. Dormers would be constructed on both sides. The property would have a total of 8 bedrooms as a result.

6. The Council contends that the proposal would conflict with Saved Policies ENV32 and GP2 of the Council's Unitary Development Plan (UDP), because of its scale and mass, when taken together with the existing building. These policies seek (amongst other things) to achieve good design and for development to have a positive impact on the environment. I consider the policies to be consistent with paragraph 130 of the National Planning Policy Framework 2021, which contains similar provisions.
7. Although the proposed extension would occupy much of the site that is already covered by the existing conservatory, it would be taller and have a greater bulk and mass. The extension, plus the existing dwelling would have a length of some 18-19m, which would appear at odds and out of scale with the predominant form of development in the area. It would be considerably more visible in this prominent part of the streetscene and, in my opinion, it would represent a poor quality design. Accordingly, the proposal would conflict with Saved Policies ENV2 and GP2 of the UDP, as referred to above.

Living Conditions

8. The Council considers that the proposed side-facing windows of the extension would lead to unacceptable levels of overlooking and loss of privacy to the occupants of number 65 Park Hall Road. The officer's report indicates that this concern relates to first-floor windows that would serve the two en-suites, a bedroom and corridor area. Saved Policy GP2 of the UDP states that overlooking and loss of privacy will be a consideration when assessing development proposals.
9. Although the plans are not particularly clear, it would seem likely that the en-suite windows would be obscure glazed. Furthermore, I see no reason why the corridor window and the small window serving the bedroom (which would contain three other windows) could also not be obscure glazed. In my opinion, this could be controlled by a condition, if the appeal was to be allowed. Therefore, I do not find against the proposal on this issue.

Trees

10. The side wall of the proposed extension facing Treyamon Road would be positioned close to two semi-mature trees, which are in an area of open space between the highway and the site boundary. These trees are a prominent and positive feature in the streetscene and I consider it to be important that the effect of the proposal on their health and amenity value is fully assessed. The impact on these trees was also a concern and was a reason for refusal when the earlier application was considered by both the Council and the Inspector at appeal.
11. Although the appellant states that the Council did not request a tree survey, the absence of an appropriate assessment means that I cannot be certain that the proposal would not have an adverse effect on the health and appearance of the trees. Consequently, the proposal would conflict with Saved Policy ENV18 of the UDP, which I consider to be the most relevant to this issue. This policy

seeks to ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

12. The proposal would also conflict with Policies NE7 and NE8 of the Council's Supplementary Planning Document – Conserving Walsall's Natural Environment. These require planning applications with the potential to damage or destroy trees to be supported by an arboricultural impact assessment and that adequate consideration is given to tree retention.

Other Matter

13. In reaching my decision, I have considered the appellant's argument that extension would enhance the living conditions for the occupants of the appeal property. Whilst this weighs in favour of the proposal, I consider it to be significantly outweighed by the harm to the character and appearance of the area and the possible adverse impact on the adjacent trees.

Conclusion

14. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR