
Appeal Decision

Site visit made on 8 August 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/G4620/D/23/3324076
32 Kenilworth Road, Oldbury B68 0ND

- 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 Ardian Lekgegaj against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/23/68038, dated 28 February 2023, was refused by notice dated 9 May 2023.
 - The development proposed is the erection of a single and 2-storey rear extension, hip to gable roof extension, loft conversion and rear dormer window.
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Decision

1. The appeal is dismissed.

Procedural matter

2. While the appellant has described the proposal as in the above heading, the Council has additionally referred to rendering at the front side, and rear of the dwelling. I also note that the plans show additional windows to the side elevation of the main house. I have proceeded on that basis.

Main issues

3. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 30 and 34 Kenilworth Road with particular regard to light.

Reasons

Character and appearance

4. The appeal property is one of a pair of hip-ended semi-detached houses in a predominantly residential area within which 2-storey dwellings predominate. I saw that there is some variety to the size and style of existing dwellings in the area to which the site belongs with those close along Kenilworth Road and nearby streets mostly with hipped roofs.
5. The proposed part single, part 2-storey addition would be at the back of the appeal dwelling and extend across its full width. The new ground floor element would project outwards from the main rear wall by about 6-metres, with a smaller first floor component extending rearwards by about half this depth. This arrangement would elongate the built form of No 32, significantly enlarge its footprint, and noticeably add to its scale and mass.

6. The submitted design is simple. That the walls of the existing dwelling would be rendered to match those of the new rear extension would also unify the general appearance of the finished building. Nevertheless, the proposal would be disproportionate in scale, mass, and depth to the host building. The rear of No 32 would be overwhelmed by the considerable scale and mass of the new extension, the bulk of which would be accentuated by the visually strong horizontal lines of its flat roofs. The new dormer would also be a sizeable addition covering most of the existing and new rear roof slope. The considerable width and height of the new dormer, with its flat roof just below ridge level, would cause it to appear as an overly large 'box like' addition.
7. Views of the proposed rear extension and dormer from public vantage points would be very limited given their position at the back of the main house, away from the road. These elements of the appeal scheme would, however, still form part of the characteristics of the area as it is experienced and appreciated from nearby houses and gardens. When viewed from the rears of the properties on either side of the site, the proposal would draw the eye as a dominant and uncharacteristically large and bulky addition.
8. At the front, the proposed hip to gable extension would imbalance the pair of which No 32 forms part given that the attached property has retained its original hipped roof. It would also noticeably differ to the predominantly hipped roof form that generally characterises most buildings along Kenilworth Road. As such, the proposed hip to gable extension would be a visually disruptive and an unwelcome addition to the street scene and the local area.
9. Policy SAD EOS 9 of The Site Allocations and Delivery Development Plan Document (DPD) states that the Council will reject poor designs, particularly those that are inappropriate in their locality, for example, those that are out of scale or incompatible with their surroundings. The Council's Supplementary Planning Document, *Revised Residential Design Guide* (SPD) echoes this approach. The SPD notes that poor quality domestic extensions that do not fit in visually or are clearly out of keeping with their surroundings will be resisted. For the reasons given, that would be the case with the proposal before me.

Living conditions

10. Of the properties close to the site, it is the occupiers of 30 and 34 Kenilworth Road, which are situated on either side of the appeal dwelling, that are most likely to be affected by the proposal. Because the appeal scheme would be to the north to northwest of No 34 there would be no significant effect on the natural light reaching the rear of this attached property.
11. There would be some loss of sunlight to the rear of No 30 during a major part of the day. That loss would be primarily caused by the overshadowing effect of the 2-storey element of the new rear extension just to the south and close to the shared boundary between these neighbouring properties. However, from what I saw, No 30 occupies an elevated position relative to the site due to the sloping ground. In addition, the 2-storey part of the proposed extension would not project significantly beyond the existing rear elevation of No 30. As a result of both factors, the loss of daylight and sunlight due to the proposal would not be appreciable insofar as it is experienced by the occupiers of this adjacent property.

Conclusion on the main issues

12. Overall, I find that there would be no material harm to the amenities enjoyed by the occupiers of neighbouring properties. However, the proposed development would have an unacceptable effect on the character and appearance of the existing dwelling and the local area. Accordingly, it conflicts with Policy ENV3 of the Black Country Core Strategy, DPD Policy SAD EOS 9 and the Council's SPD. These policies and guidance aim to ensure that new development achieves the highest possible design standards and is compatible with its surroundings.

Other matters

13. The appellant states that the proposed dormer and the hip to gable extension could be carried out in any event through the exercise of permitted development rights. Whether or not that is the case, these elements of the appeal scheme are not clearly severable from the rear extension and planning permission is sought for the development in its entirety. I have assessed the proposal on that basis. If the appellant wishes to ascertain whether a part of the development would be lawful, they may make an application under section 191/192 of the Act.
14. I acknowledge that the application of render would provide an opportunity to resolve problems of maintaining the existing brickwork, which is painted. However, this consideration does not outweigh the significant harm that I have identified.

Conclusion

15. The proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the National Planning Policy Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
16. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR