



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: 25 August 2023

Appeal Ref: APP/C4615/D/23/3323768
349 Hagley Road, Stourbridge DY9 0RF

- 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 Khaled Mehmood against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P23/0363, dated 15 March 2023, was refused by notice dated 6 June 2023.
 - The development proposed is the erection of a single storey rear extension to create new home gym.
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Decision

1. The appeal is dismissed.

Main issues

2. 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 343 Hagley Road with particular regard to outlook, visual impact and light.

Reasons

Character and appearance

3. The proposal is to erect a single storey extension at the back of the appeal property, which is a detached dwelling of individual design that stands within a large plot in a predominantly residential area. In the vicinity of the site, dwellings vary in style, size and general appearance. At the rear of No 349 is a long part 2-storey, part single storey projection with a flat roof. The walls of the existing dwelling and its rear projection are brick.
4. The new addition would be single storey with a flat roof and a modern style of fenestration. The walls would include white render and timber cladding with the rearmost section of the building cut into the sloping ground. A large back garden would remain with the new built form in place, the size of which would compare favourably to the gardens of other properties in the local area.
5. Nevertheless, the proposal would be a sizeable addition. It would be noticeably longer and larger than the brick structure to be replaced. By connecting with the existing rear projection, which itself is a large addition at the back of the main house, the cumulative effect of the proposal would be to further enlarge the footprint and elongate the form of the existing dwelling. Taken together

- with its flat roof, the resultant rear projection would appear as an overly large and long box-like addition that would relate poorly to the scale and proportions of the main house. In other words, a rear projection that would be considerable in width and more than 3 times the length of the original dwelling would be so large as to spoil its intrinsic character.
6. The extensive use of timber and render, as proposed, would also draw the eye as an unfamiliar feature of the host building. The main outcome would be a cumbersome and unsympathetic enlargement of the dwelling and significant harm to its character and appearance. Its harmful impact could not be mitigated by using different external materials.
 7. Although the new extension would not be readily evident from the road, it would be visible from the back garden of No 349 and the rears of some properties on either side of the site. From these vantage points, the proposal would draw the eye as an uncharacteristically large and obtrusive development that would detract from the character and appearance of the local area.
 8. The Council's Planning Guidance Note (PGN) No 17, *House Extension Design Guide* advises that extensions should relate to the character of the original house in terms of scale, design and materials. It also requires extensions to achieve a high standard of design and layout and be compatible with the character of the surrounding area. For the reasons given, the proposal would conflict with this guidance.
 9. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. Accordingly, it is contrary to Policies S6 and L1 of the Dudley Borough Development Strategy (DBDS) and PGN17. Together these policies and guidance aim to ensure that development is well designed and responds well to the character and/or the visual amenities of the local area. It would also be at odds with the National Planning Policy Framework (the Framework), which states that developments should be sympathetic to local character and add to the overall quality of the area.

Living conditions

10. The new extension would be set back from and roughly parallel with the side boundary of the site. In this position, the proposal would be some distance from the back of 343 Hagley Road, which is a detached house that stands to one side of the site. In views from the rear of No 343, the proposal would keep a low profile due to the notable difference in local ground levels and largely screened by a boundary fence and existing planting. While some existing trees could be removed due to the earthworks required to accommodate and service the development, the main direction of outlook from the rear windows of No 343 across its rear garden, would not significantly change. For the same reason, the presence of the new built form would not be so great or imposing as to overbear on the occupiers of No 343.
11. The Council also states that the proposal would further exacerbate a failure to comply with the 45-degree code, which is a line drawn at this angle from the nearest habitable room windows of the neighbouring property. However, given that the new addition would be mostly beyond the rear boundary of No 343, its effect on the natural light reaching the back of this adjacent dwelling would be confined to the rearmost section of its garden, at best. As such, it would not

significantly worsen the sunlight and daylight reaching this neighbouring property. For this reason, a breach of the 45-degree line as set out in PGN No 12, *The 45-Degree Code*, and PGN17, would be insufficient reason to withhold planning permission.

12. On the second main issue, I conclude that the living conditions of the occupiers of No 343 would not be materially reduced due to the proposal. As such, it does not conflict with DBDS Policy L1, PGN12 or PGN17 insofar as they aim to safeguard residential amenity. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Other matters

13. The appellant considers that a sizeable outbuilding could be erected within the garden of No 349 through the exercise of permitted development (PD) rights. However, few details of a PD compliant scheme have been provided, the effects of which are likely to differ to the proposal given its position away from the main house. The existence of PD rights is insufficient reason to allow otherwise unacceptable development.
14. Once complete, the new extension would provide a gymnasium, sauna and jacuzzi for use by the appellant and his family that would enhance their living conditions. However, these considerations do not outweigh the identified harm.

Conclusion

15. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
16. For the reasons set out above, and having regard to all other matters raised, including the absence of objections from others, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR