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## Appeal Decision

Site visit made on 26 October 2023

**by D Cleary MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24.11.2023**

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**Appeal Ref: APP/C4615/D/23/3328136**

**25 The Ridgeway, Sedgley DY3 3UN**

- 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 Adrian Banks against the decision of Dudley Metropolitan Borough Council.
  - The application Ref: P23/0610, dated 09 May 2023, was refused by notice dated 07 July 2023.
  - The development proposed is described as a first-floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor rear extension at 25 The Ridgeway, Sedgley DY3 3UN in accordance with the terms of the application, Ref: P23/0610, dated 09 May 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Maps - Site Location Maps;

01 – Existing Details;

02 – Proposed Plans; and,

03 – Proposed Elevations.
  - 3) 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.

### Procedural Matters

2. The description of development has been taken from the Council's decision notice because this accurate whereas that on application form is not.

### Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 6 Snowdon Rise with particular regard to privacy.

## Reasons

4. The appeal site is a two storey, link-detached dwelling which is located within a predominantly residential area. The dwelling has a flat roof single storey projection to the rear. This flat roof contains waist high railings along its outer edge forming an external first floor terrace. The terrace has direct access via French doors from a bedroom. As there is no restriction of access to this area it can be used as amenity space by occupants of the appeal property.
5. The appeal site has a reasonably deep rear garden, although much of this is at a lower land level than the dwelling. Land levels reduce further beyond the rear (west) boundary. Consequently, there are significant land level differences between the appeal dwelling and the dwelling to the rear, No 6 Snowdon Rise (No 6). The rear boundary of the appeal site is well vegetated with established coniferous trees. A public right of way runs between the garden of the appeal site and No6, adding further spacing between the two properties.
6. The proposed extension would be provided at first floor level, over the existing single storey rear projection. The extension would result in the loss of the existing external terrace. Within its rear elevation, facing towards No 6, the extension would include French doors with a Juliette balcony serving a bedroom, and a further window serving an en-suite.
7. On my site visit I observed existing views from the first-floor terrace towards the rear garden of No 6. From the outer edge of the terrace, only the upper part of the westernmost fence of the rear garden of No 6 was visible. The majority of the garden space is screened by existing vegetation. The degree of overlooking to No 6 from the existing terrace, is therefore limited.
8. The extension would be no closer to the garden of No 6 than the existing external terrace. Therefore, the degree of overlooking to this property arising from the development would be no greater than that which is currently experienced from the terrace.
9. The rear garden space of No 7 Snowdon Rise is more visible from the external terrace, however this garden is at a greater distance from the location of the proposed development. Given the distance, even taking into consideration the change in land levels, it is not considered that there would be adverse effects on the privacy of occupants of this dwelling through overlooking. In any event, as observed above, the degree of overlooking would be no greater than experienced from the existing terrace.
10. For these reasons, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of No6 Snowdon Rise with particular regard to privacy. Therefore, the proposed development accords with Policies L1 and S6 of the Dudley Borough Development Strategy (2017) , the advice contained within the Dudley Council Residential Design Guide Supplementary Planning Document (2023), and the National Planning Policy Framework (2023). Together, amongst other things, these seek to ensure good design and that a good standard of amenity for neighbouring properties is maintained.

### **Conditions**

11. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition requiring the development to be carried out in materials matching those of the existing building is necessary in the interest of the character and appearance of the area.

### **Conclusion**

12. For the above reasons the appeal is allowed.

*D Cleary*

INSPECTOR