

Appeal Decision

Site visit made on 1 December 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/V4630/D/23/3330207
101 Broadway, Walsall, WS1 3HB

- 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 Khera against the decision of Walsall Council.
 - The application Ref 23/0699, dated 6 June 2023, was refused by notice dated 22 September 2023.
 - The development proposed is a front and rear extension with a proposed new roof.
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Decision

1. The appeal is allowed and planning permission is granted for a front and rear extension with a proposed new roof at 101 Broadway, Walsall, WS1 3HB in accordance with the terms of the application Ref 23/0699, dated 6 June 2023 and in accordance with the conditions set out in the attached schedule.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Procedural Matter

3. The Council, in its officer's report and decision notice, is concerned with the proposed development's front elevation. The Council does not raise any concerns in respect of the proposed rear extension.

Reasons

4. The appeal property is a detached two storey dwelling located within a residential area along Broadway.
 5. Broadway in this location is a wide, busy thoroughfare. Detached and semi-detached two storey dwellings, some with rooms at roof level, are set back from the pavement behind front gardens and/or parking areas. These factors, together with the presence of street trees set within pavements and the nearby presence of a sports field, provide for a green and spacious character.
 6. During my site visit, I observed that many dwellings along Broadway in this location have been altered and or extended. This gives rise to a wide and varied appearance of dwellings.
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7. Some dwellings along Broadway have a single gable, some have two gables and some have no gables but bays. Some roofs are gabled, some are pitched, some are hipped and some involve a mixture of styles. I also noted during my site visit the presence of both lean-to and flat roofs.
8. This notable variance in the appearance of dwellings comprises part of the character of the area. There is no fixed style and individual expression provides for an interesting variety of dwellings that contribute to and do not detract from, the overall character of place.
9. The proposal would involve the development of three slim gables to the front of the dwelling. I find that these gables would provide for an attractive sense of symmetry across the appeal property's front façade, as well as for visual interest within the wider area.
10. Further to the above, I consider that the proposal would reflect the presence of gables elsewhere along the street, albeit within a different design approach, which itself would be reflective of the wide and varied appearance of dwellings in the area.
11. Given all of the above, I find that the proposal would provide for design innovation in a manner that would be sympathetic to local character.
12. The proposed development would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework, to UDP¹ Policies GP2 and ENV32, or to the Council's Designing Walsall SPD² Supplementary Planning Document, which together amongst other things, seek to protect local character.

Conditions

13. 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.
14. A condition controlling external surfaces is necessary in the interests of local character. A condition requiring ground gas protection measures is necessary in the interests of safety.
15. A condition requiring development to take place in accordance with recommendations set out in the Preliminary Bat Roost Assessment is necessary in the interest of the protection of bats. A condition requiring development to be sensitive to the potential for evidence of bats is necessary in the interest of the protection of bats.

Conclusion

16. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

¹ Reference: Walsall Unitary Development Plan (2005).

² Reference: Designing Walsall Supplementary Planning Document for Urban Design (2008, Revised 2013).

**Schedule of Conditions attached to
Appeal Decision APP/V4630/D/23/3330207
101 Broadway, Walsall, WS1 3HB**

- 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: Site and Location Plan AL-001; Proposed First Floor Plan AL-005; Loft Plan AL-006; Proposed Elevation A-007; Proposed Elevation AL-008; Roof Plan AL-009; Proposed Ground Floor Plan (erroneously titled as Proposed First Floor Plan) AL-011.
- 4) No occupation or use of the development hereby permitted shall commence until ground gas protection measures have been put in place and a competent person's verification report has been submitted in writing to the local planning authority. The verification report shall include full details and specification of the ground gas protection measures installed and confirmation that all membranes and other equipment has been installed in accordance with the manufacturer's requirements and British Standard 8485:2015+A1:2019 as revised or amended from time to time. The gas membranes and equipment shall thereafter be retained for the lifetime of the development.
- 5) The development hereby permitted shall not be carried out otherwise than in accordance with the approved recommendations of the Preliminary Bat Roost Assessment and Bird Survey, dated 05/01/23 and the approved details shall thereafter be retained for the lifetime of the development.
- 6) Notwithstanding the approved Preliminary Bat Roost Assessment and Bird Survey, prior to commencement of the development hereby permitted all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashings and ridge tiles to be removed shall be lifted carefully and the undersides examined for bat droppings.

If during the demolition and construction period bats or evidence of bats or their roosts are found: i) bats shall not be handled or touched; ii) the vicinity of the roost shall be immediately reinstated; iii) no further works shall be carried out until the need for a Natural England licence has been established; iv) within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist, who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found and propose appropriate mitigation measures, including a timetable for their implementation; v) the development hereby permitted shall not be carried out or continue, otherwise than in accordance with the approved mitigation measures and the approved timetable throughout the period of construction.