
Appeal Decision

Site visit made on 5 January 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25.01.2024

Appeal Ref: APP/C4615/D/23/3331769

Abercarn Nursing Home, 56 High Street, Pensnett, Dudley, DY5 4RS

- 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 Kuldeep Singh against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P23/0882, dated 3 July 2023, was refused by notice dated 29 September 2023.
 - The development proposed is first floor front extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant in their Statement of Case (SoC) has referred to amended plans which exclude the rear extension referred to in the Council's reasons for refusing the application. No such plans have been provided to me. I shall therefore determine the appeal on the basis of the plans originally submitted and considered by the Council.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the building and surrounding area; and,
 - the living conditions of occupiers of the neighbouring house, with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site is the middle house of three newly constructed 2 storey detached houses located on the High Street between Corbyn's Hall Lane and Henry Male Walk. The neighbouring house, 89 Corbyn's Hall Lane, faces away from the appeal property with its flank wall facing the high street, set behind a paved parking area, and its front entrance close to the pavement edge on Corbyn's Hall Lane. The neighbouring house on the other side, on the corner of Male Walk Lane, faces the High Street and is the same design as the appeal property and marks the entrance to a modern housing estate. Both houses are set back behind paved parking areas. Their rendered gable ends face the road, and they have a 2 storey side wing stepped back from their front elevation but

aligned with their rear building line. The side wings are stepped down slightly from the main roof ridge so that they appear as a subservient element and the setback breaks up their frontage. All three houses have relatively small rear gardens.

5. The Dudley Council Residential Design Guide Supplementary Planning Document (2023) (SPD) advises that modest front extensions, such as to porches, may be acceptable only in occasional circumstances, subject to the design complementing the original building.
6. Although described as a first floor front extension, the proposed development would include a ground floor extension aligned with the principal front building line and a first floor extension above it, but slightly set back behind the main frontage. The break in the frontage where the side wing was set back would be filled in and the side wing obscured behind the proposed development. Consequently, it would close the gap between the side wall of 89 Corbyn's Hall Lane and the appeal property main frontage and alter the appearance of the house such that it would no longer resemble the neighbouring house on the corner of Male Walk Lane.
7. The original character of the house, and the symmetry it shared with its neighbour, would therefore be lost, harming both the appearance of the host property and the street scene. The proposed development would therefore conflict with the National Planning Policy Framework (2023) (the Framework), the National Design Guide (2019), Policies ENV2 & ENV 3 of the Black Country Core Strategy (2011) (BCCS), Policies L1 and S6 of the Dudley Borough Development Strategy (2017) (DBDS) and the SPD which require high quality design that does not have a detrimental effect on the character of the host dwelling and enhances the local area.

Living conditions

8. The proposed rear extension would extend over the full width of the rear of the house. Its roof would be single pitched and rise to meet the main house wall just below the first floor windows. Although there is a small gap between the host property and its neighbours, according to the Council the proposed extension would extend beyond a 45 degree line drawn from the centre of the nearest ground floor window on the neighbouring house to the west, and thus encroach on the outlook from, and reduce the light to, the window.
9. Given that the rear of the houses faces south, there would be some overshadowing of the neighbour's garden and windows in the mornings, but I do not consider it would be to an extent that it would harm the living conditions of its occupants. However, the proposed extension would significantly impact on the outlook from the affected window, and the garden, and conflict with guidance in the SPD. The appellant has not disputed the Council's conclusions in this regard, noting in their SoC that it was agreed by all parties that this element of the proposed development is excessive. I therefore conclude on this main issue that the proposed development would harm the outlook of occupiers of the neighbouring house to an unacceptable degree and thus conflict with the Framework, Policies L1 and S6 of the DBDS and the SPD which require development to be of an appropriate scale that does not cause unacceptable harm to the amenities of occupiers of neighbouring dwellings.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR