



Appeal Decision

Site visit made on 27 March 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/V4630/W/23/3329906

1 Greaves Close, Walsall, West Midlands WS5 3QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs J B Higgins against the decision of Walsall Council.
 - The application Ref is 21/1655, dated 9 November 2021.
 - The development proposed is replacement two storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and,
 - The effect on the living conditions of the occupiers of 35 Greaves Avenue, with particular regard to privacy.

Reasons

Character and appearance

3. No 1 Greaves Close is located in an area of predominantly detached dwellings. The appeal property is a large bungalow on a corner plot at the entrance of Greaves Close. This property is unique due to its L-shaped design and wide street facing elevations. Another bungalow is sited on the opposite corner of the junction. In this prominent position, the two bungalows provide a low relief entrance into Greaves Close. Other bungalows follow along into Greaves Close and onto Greaves Avenue. These bungalows have a contrasting design to the appeal property due to their smaller overall size and narrower gable frontages. However, the modest height of the appeal property and surrounding bungalows creates a pleasing harmony of scale, despite the contrasting individual designs.
4. Towards the end of Greaves Close are a number of two storey dwellings. These are not uniform but do share some similarities in their design. These similarities include materials, window proportions, roof forms and overall property sizes. This is a characteristic which can be found within the wider estate around the appeal site.
5. The proposed replacement dwelling would be two storeys in height with a long front elevation presenting onto Greaves Close. This would be of a similar length to the existing dwelling. The proposal would contain a single-storey aspect to both ends of the building. The front elevation would also contain a centrally placed glazed element which would be two storeys in height. Due to its height, width and overall mass, the design

would have little or nothing in common with surrounding bungalows, or two-storey houses further into Greaves Close.

6. More decisively, located in this prominent position, the new dwelling would be an overly dominant and visually intrusive feature at the entrance to the street when viewed from Greaves Avenue. The building would appear as a large alien feature situated amongst smaller bungalows to either side and opposite the site. This would be out of character with the scale of existing buildings at the entry to Greaves Close. As such, the development would fail to respond to the existing townscape.
7. I therefore conclude that the proposed replacement dwelling would be harmful to the character and appearance of the area. The proposed development would conflict with Policies CSP4 and ENV3 of the Black Country Core Strategy 2011 (BCCS), Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan 2005 (UDP), Policy HC2 of the Walsall Site Allocation Document 2019 and Policy DW3 of the Designing Walsall Supplementary Planning Document for Urban Design 2013 (SPD). Amongst other things, these policies require proposed developments to be informed by the surrounding character, reflecting street patterns, height, mass and building scale.

Living conditions

8. The private amenity space of the neighbouring property of 35 Greaves Avenue is of limited depth, width and located adjacent to the appeal site boundary. In the existing configuration, overlooking into the private amenity space of 35 Greaves Avenue is limited due to the single-storey nature of properties in the immediate vicinity.
9. The rear facing first-floor windows of the proposed dwelling would afford occupants of the new property direct views into the garden of 35 Greaves Avenue. The development would therefore provide opportunities for overlooking where none presently exists. This would be intrusive for the neighbours and harmful to their privacy.
10. The appellant refers to a similar relationship from 26 Athlone Road towards the rear neighbouring garden. I was unable to locate 26 Athlone Road during my site visit. This has been clarified with the appellant who has explained that the address was mis-noted and is 27 Athlone Road. Whilst a similar relationship does exist by means of layout and orientation to the appeal site, 27 Athlone Road is a bungalow. As such, overlooking into rear gardens is difficult due to the limited height and boundary treatments which divide each plot.
11. I therefore conclude that the proposal would have an adverse impact on the living conditions of the occupiers of 35 Greaves Avenue. This would be in conflict with Policy HOU2 of the BCCS, Saved Policy GP2 of the UDP and the guidance found in the SPD. These policies expect developments to not have an unacceptable impact upon the amenities of the occupants of neighbouring properties, with particular regarding to overlooking and the loss of privacy.

Conclusion

12. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

J Smith

INSPECTOR