

Appeal Decision

Site visit made on 17 June 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/R1845/D/24/3340626

Church View, Lea Lane, Cookley, Kidderminster, DY10 3TA

- 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 & Mrs T Billingham against the decision of Wyre Forest District Council.
 - The application Ref is 23/0874/HOU.
 - The development proposed is the demolition of conservatory and construction of a single storey rear extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of conservatory and construction of a single storey rear extension and associated works at Church View, Lea Lane, Cookley, Kidderminster, DY10 3TA in accordance with the terms of the application Ref 23/0874/HOU subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Notwithstanding the plan submitted with its questionnaire response, the Council has since confirmed that the proposed plan subject of the determination was the amended plan submitted during the course of its consideration of the application - *Plan No. 23-702-2 rev P6*. This plan omitted the originally proposed garden store from the scheme.
3. Accordingly, the references to the proposed garden store in the Council's decision notice are erroneous. I have therefore utilised a revised description of the proposal, as suggested by the appellant.
4. The appellants made an application for costs against the Council which is the subject of a separate decision.

Main issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property.

Reasons

6. The appeal property is a detached dwelling, being one of four similarly designed modern, brick-built dwellings set back from the lane, facing St Peter's Church. The proposed extension would be built at the rear of the house, and the Council appears to acknowledge that it could not be seen from any public vantage point and would thus have no effect on the public realm.

7. In view of the presence of fences around the appeal site boundaries and the woodland to the south, it is doubtful whether the proposed extension would prove noticeable from private vantage points, including the dwellings in Castle Road to the rear of the site.

8. However, the Council's concerns centre not on the extension's effect on the character and appearance of its surroundings, but on the host property. The Council's view is expressed in the officer report, which says:

'...the proposed single storey rear extension is of a design, that is not in character with the host dwelling. In the particular situation at Lea Lane, the host dwelling is of one particular style as are its neighbouring properties. We therefore consider the use of this type of contemporary design appears to be ill-suited to the character of the existing dwelling, and therefore represents a jarring of styles.

It is noted that the proposed extension would be of a good design for a property in isolation, however, unfortunately does not harmonise with the host dwelling in this specific situation and would therefore result in an incongruous feature to (sic) the host dwelling'.

9. I do not share the Council's view. The extension would replace a conservatory, which is itself of a wholly different appearance to that of the host property, and despite its contemporary design would offend no-one, not least because it could not readily be seen. But even if were widely seen, the design proposed is wholly acceptable being of a subservient scale, and attractive in appearance, even though contrasting with that of the host property.

10. I therefore conclude that the proposal, if built, would not harm the character and appearance of the host property. Accordingly, no material conflict arises with the main objectives of policies DM.24 & SP.20 of the Council's Local Plan (LP) (2022), since the extension is of a high quality and innovative design integrating effectively with its surroundings.

11. The proposal is also in accord with most of the criteria of LP policy DM.25 relating to extensions. I recognize the tension with part of the second criterion of this policy providing that extensions should be in keeping with the architectural characteristics of the original building. However, having regard to the specific circumstances of the case, I consider that a slavish adherence to this requirement is unwarranted.

Conditions

12. The Council's suggested condition that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of certainty.

13. A condition regarding materials shall be imposed in the interests of visual amenity, although it differs from that suggested by the Council. Having regard to the specific circumstances of the case. The suggested requirement to provide samples of materials for the Council to approve is neither necessary or reasonable.

Other matters

14. The references¹ to the Council's Design Guide Supplementary Planning Document are noted, and I have taken particular account of the section entitled "*Design Principles for Residential Extensions*". This in part provides:

The advice provided in this guide aims to minimise the impact of any extension or alteration on the amenity enjoyed by the occupants of neighbouring properties and to ensure the development appears appropriate to both the host property and to the streetscene and the character of the area.

15. I consider the proposal to accord with the thrust of this aspect of the guidance.

16. I note that the Parish Council supported the scheme.

17. No other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

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 be those described in the original application form.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Ref 23-702-1 Rev P1; 23-702-2 Rev P6 & 23-702-3.

¹ Including the appellants' claim and the reasons why it may be regarded as out-of-date.