



Appeal Decision

Site visit made on 30 July 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/P1805/W/24/3342400

57 Marlbrook Lane, Marlbrook, Worcestershire B60 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Adrian Constable against Bromsgrove District Council.
 - The application Ref is 24/00148/FUL.
 - The development proposed is front first storey extension above existing porch.
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Decision

1. The appeal is allowed and planning permission is granted for front first storey extension above existing porch at 57 Marlbrook Lane, Marlbrook, Worcestershire B60 1HP in accordance with the terms of the application, Ref 24/00148/FUL, 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 drawings: Ordinance Survey Map, Site Plan, Proposed Front Elevation, Proposed RHS and LHS Elevations and, Proposed First Floor Plan.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Background and Main Issue

2. This appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that the application would have been refused.
3. I note the concerns and objections set out within the Council's statement of case. While this is not the application decision, as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.
4. Therefore, the main issue is the effect of the proposal on the character and appearance of the host building and surrounding area.

Reasons

5. The appeal site is located at the edge of Marlbrook and forms the last property on this side of the street. The site contains a detached, single-storey dwelling with two front-facing dormer windows and accommodation in the roof. With the

- exception of the garages attached to the host dwelling, the neighbouring property is almost identical. This is not, however, typical of the street scene which is instead characterised by mixtures of various scales, styles and forms.
6. Although the host dwelling is set back from the road, the front of the site is open to public views. Therefore, the proposal, a first-floor extension over the existing front porch, would be a prominent addition readily visible from Marlbrook Lane. However, the extension would be commensurate with the scale of the building and would be sympathetic to the building's existing appearance. It would also not, by way of its scale or siting, overpower the appearance of the host dwelling or disrupt its harmony.
 7. The materials of the proposed extension would replicate that of the existing porch, continuing brick and concrete pan tiles up to the first floor. Although this means it would not read as an additional dormer window, I do not consider this to be unacceptable. This is particular so as the balance of the property would be retained by the central positioning of the extension.
 8. The proposal would further erode the similarity of the host dwelling and its adjacent neighbour. However, as noted above, the street scene is not characterised by any sense of uniformity. Therefore, the proposal would support the individuality of properties along this road. In considering this I am mindful of the extensions and alterations to nearby properties, including the examples raised by the appellant. Whilst they are not directly comparable, they still contribute to the general sense of individuality between properties along the street.
 9. I am mindful of the guidance contained within the Supplementary Planning Guidance Note 1: Residential Design Guide (the RDG) and that the proposal would not comply with some parts. In particular, the proposal would not be set back from the front elevation and would extend up to the ridgeline of the main roof. However, the RDG only provides generalised guidance and cannot, therefore, cover all situations. In this case, as outlined above, I have found no harm, and therefore whilst not comply with all of the guidance, I do not consider this to be unacceptable.
 10. The proposed extension would not, by way of its design, scale or positioning, unacceptably affect the host dwelling or surrounding area. It would therefore comply with Policies BDP1 and BDP19 of the Bromsgrove District Plan 2011-2030. These, amongst other matters, pay particular consideration to visual amenity and require developments to be of a high-quality design that enhances the character and distinctiveness of the local area. The proposal would also comply with the National Planning Policy Framework (the Framework), including Paragraph 135, which similarly seeks sympathetic development that maintains a strong sense of place. It would also comply with the guidance set out within the National Design Guide.

Other Matters

11. Although I note concerns raised by the Council regarding development that potentially does not benefit from planning permission at the appeal site, these do not relate to the proposal before me and have not been determinative in my considerations.

Conditions

12. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
13. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. I am mindful of the proposals prominent and raised position. As such, and in the interests of protecting character and appearance, a condition is necessary requiring the external materials to match those of the host dwelling.

Conclusion

14. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR