



Appeal Decision

Site visit made on 2 July 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/V4630/D/24/3344044

229 Chantrey Crescent, Great Barr, Walsall B43 7PG

- 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 Kelly Jones against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 23/1432.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The shell of the rear extension has been constructed. I have proceeded on the basis that part retrospective planning permission is being sought. Based on the submitted documents, and from what I saw on site, it is sufficiently clear that the appellant is seeking approval for the extension as it has been built. While there is disagreement between the main parties regarding the exact height of the extension, this appears to relate to where the natural ground level is. Furthermore, the officer report shows an understanding that the proposal is retrospective and seeks to regularise what has been built and has made an assessment accordingly. For these reasons I am satisfied that I have sufficient information to make an assessment as to the effect of the proposals, with specific regard to the main issue which is such on the living conditions of the occupiers of No 1 Goodall Grove with specific regard to outlook and light.

Reasons for the Recommendation

4. A scheme for prior approval was accepted for a single-storey rear extension. The shell that has been constructed does not comply with the detail thereof and since the prior approval process requires details to be considered before development commences, this option does not represent a fallback position.
 5. The extension has been built alongside the conservatory at No 1 Goodall Grove. It projects more than marginally further and noticeably higher. In so doing, when considered along with its proximity, the extension has something of a
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looming effect, dominating the conservatory. This lessens the quality of the experience of it for users, imposing significantly and adversely on the outlook therefrom by being unacceptably overbearing.

6. Owing to the orientation of the properties, the extension results in increased overshadowing of the conservatory compared to previously, and particularly during winter months when the sun is lower in the sky. The submitted daylight and sunlight assessment shows that the extension satisfies the BRE criteria for the vertical sky component. However, the window panels in the roof of the conservatory that are angled towards the extension have a significant reduction in annual probable sunlight hours (APSH) and two of the panels do not meet the BRE criteria for APSH. The proximity and height of the extension have therefore unacceptably reduced the amount of light into the conservatory. An extension which, by virtue of its design, intended to maximise the enjoyment of light and not be in regular shadow for sustained periods.
7. The extension therefore significantly reduces the quality of the living conditions of the occupiers of No 1 in respect of outlook and light. It is therefore contrary to Policy GP2 of the Walsall Unitary Development Plan 2005 which requires that development does not cause an unacceptable adverse impact on matters including daylight and sunlight received by nearby property. The proposal would also be contrary to paragraph 135 (f) of the National Planning Policy Framework 2023 which requires development to have a high standard of amenity for existing and future users.
8. The decision notice also cites a conflict with Policy HOU2 of the Black Country Core Strategy 2011. However, and on my reading, this policy is more relevant to housing density in new development. It does not therefore relate to the substance of the main issue.

Other Matter

9. I understand that the extension would provide a more comfortable and functional environment for the appellant, however it has not been satisfactorily demonstrated that this aim could not be achieved without causing the identified harm. I am also aware that the appeal scheme would be acceptable in terms of effects other than the living conditions of neighbours. These would however, in each case, represent a lack of harm which would be neutral in any balance of considerations. They would not weigh in favour of the proposal.

Conclusion

10. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight which indicate that a decision should be made other than in accordance therewith. I therefore recommend that the appeal be dismissed.

Darren Ellis APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison INSPECTOR