



Appeal Decision

Site visit made on 28 August 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/V4630/D/24/3344985
47 Skip Lane, Walsall WS5 3LW

- 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 Dr Farrah Pervez against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 24/0241.
 - The development is described as a resubmission of application ref. 20/0996: 2 x single storey side extensions, front bay window extension, and replacement of first floor flat roof with gable roof -amending the approved gable roof height from 7.2 m to 8.6m.
-

Decision

1. The appeal is allowed and planning permission is granted for 2 x single storey side extensions, front bay window extension and replacement of first floor flat roof with gable roof amending the gable roof height from 7.2m to 8.6m at 47 Skip Lane, Walsall WS5 3LW in accordance with the terms of the application, Ref 24/0241, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan 01 V3, As Built Block Plan 03 V3, As Built Floor Plans 05 V3 and As Built Elevations 07 V3.

Procedural Matters

2. The development has already been constructed. While elements of the recent work were subject to planning approval under planning permission ref. 20/0996, development including the increase of the gable roof height has taken place. This was the subject of an application to regularise the development, the subject of the present appeal. The Council amended the description of the development and I have adopted this description as it is more precise.
3. The Council's concerns relate to the construction and materials used in the gable roof extension. I shall accordingly direct my assessment in relation to these elements of the development.
4. The appellant asserts that the tiles used within the development were approved by the Council. A determination as to the lawfulness of the tiles used is beyond the scope of this appeal. For the avoidance of doubt, I have determined this appeal on the basis of the Development Plan and other material considerations.

Main Issue

5. The main issue in the appeal is the effect of the development on the character and appearance of the host dwelling and the area.

Reasons

6. The appeal property, No 47 Skip Lane (No 47), is a detached property situated in a residential development of large, detached properties of different architectural styles, designs and materials. Overall, the area retains a well-balanced appearance and character of detached properties in spacious plots and in a mature setting amongst trees and shrubbery.
7. The gable extension as built results in a side extension which is higher than the original dwelling and as such is not subservient to the scale of the original pitch roof. However, due to it being well set back, behind and to the side of the original pitch roof of the dwelling, it does not unduly dominate nor appear disproportionate to the scale of the extended property. Moreover, given its siting well set back from the original dwelling, the front boundary and the wide property frontage, it has a limited impact on the streetscene.
8. The extension as built results in a larger expanse of brickwork than that previously approved. Notwithstanding that the front oriel style window is offset in the front elevation, this is mitigated by the vertical divide and small overhang in the front gable which breaks up the expanse of the brickwork. As such I do not share the view of the Council that an imbalance is created as a result of the larger expanse of brickwork, nor that this feature is harmful to the character of the dwelling house and the area. Further, due to the set back position of the extension, the brickwork does not appear as a dominant feature and is not readily distinguishable in oblique views along the street. Properties along Skip Lane are of differing designs and materials and as such I do not find that the colour of the brickwork in itself is harmful to visual amenity within the streetscene.
9. The appellant disagrees with the Council that the tiles used are not as approved. Notwithstanding that the red tiles are different from those found on neighbouring dwellings, they are not unduly stark or weathered nor do they present as an incongruous or alien feature within the streetscene. Further because No 47 is set well back from the road, the prominence of the roof tiles is diminished somewhat and the overall effect is therefore neutral on the streetscene.
10. Overall, on the above matters, I find that the alterations which have taken place have a limited effect on the character and appearance of the dwelling house and the wider streetscene. As such the development does not conflict with Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan (adopted 2005). Together these policies require development not to have an unacceptable adverse impact on the environment having regard to visual appearance. Nor does it conflict with the Council's Supplementary Planning Document Designing Walsall DW3 (Character) which requires development proposals to be informed by the surrounding character.

Conditions

11. As the development is in place, a time limit condition is not necessary. A condition noting the approved plans is necessary for the avoidance of doubt.

Conclusion

12. For the reasons given, I hereby allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR