



Appeal Decision

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

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/V4630/D/23/3335084

27 Foley Road East, Streetly, Walsall B74 3HP

- 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 Myles Butterley against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 23/0408.
 - The development proposed is described as 'two storey rear kitchen/family room bedroom & bathroom extensions'.
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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.

Procedural Matter

3. The Council's third reason for refusal relates to insufficient information having been provided in respect of whether the existing chimney stacks would be retained or removed. I have taken this matter into account within the first main issue.

Main Issues

4. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the appeal property and the Streetly Area of Special Townscape Character; and
 - b) the living conditions of occupiers of 25 and 29 Foley Road East with particular regard to outlook and light.

Reasons for the Recommendation

Character and appearance

5. 27 Foley Road East is a two-storey, semi-detached dwelling situated within a residential area which has been identified as the Streetly Area of Special Townscape Character (SASTC). The SASTC is mainly characterised by substantial dwellings in a variety of designs. The majority of dwellings in the

SASTC are set within generous plots. The composite front element of the semi-detached pair that the appeal dwelling forms part of has a distinctive cottage style form. The pair occupy a prominent position in the street, forwards of the predominant building line. The other elements of these dwellings step down in height and mass such that they have a subservient appearance. This promotes the semi-detached pair's cohesive cottage aesthetic which positively contributes to the high quality of the street scene within the SASTC.

6. The considerable width, depth and mass of the resultant two-storey rear element would compete with the host dwelling's main front element. The substantial form of the extension would be very noticeable from the street in views down the side of the host dwelling as well as over the top of frontage boundary treatments due to the semi-detached pair's prominent siting forward of the building line. The hedgerows to the front of the site would therefore not be sufficient to assimilate the upper parts of the development with the host dwelling or its surroundings in views from the street. Consequently, the proposed development would significantly detract from the cottage form of the semi-detached pair and so to the quality of the SASTC.
7. As the proposal would not respect or be subservient to the mass of the original building and would not complement the scale of the existing property, it would also be contrary to the Council's 'Guidance for New Development' in the SASTC (SASTC Guidance) relating to extensions to existing dwellings.
8. The SASTC guidance also states that the roofscape in the SASTC is articulated by chimney stacks, and as such the removal of any or all of the stacks would potentially be detrimental to the SASTC. The submitted drawings do not show the three existing chimney stacks and their removal has the potential to further detract from the traditional characteristics of the host dwelling adding to the harm already identified. I acknowledge that the appellant has confirmed that the drawings could be amended. However, it has not been necessary to seek amendments to the drawings in this instance as this would not in any case overcome the identified harm to character and appearance of the SASTC that would result from the extensions.
9. I conclude that the proposed development would be harmful to the character and appearance of the appeal property and the Streetly Area of Special Townscape Character. The proposal would therefore conflict with Policies GP2 and ENV32 of the Walsall Unitary Development Plan (2005) (UDP), insofar as they require the visual appearance of development to make a positive contribution, including by way of height, proportion, scale and massing.
10. For the reasons set out, the proposal would also fail to comply with the SASTC Guidance and Policy DW3 of the Council's Designing Walsall Supplementary Planning Document (SPD), which confirms that all new development must be designed to respect and enhance local identity. The proposal would also conflict with the requirements at Paragraph 139 of the National Planning Policy Framework (the Framework) for development to be well designed and to reflect local design policies.

Living conditions of neighbouring occupiers

11. No 29 has a patio area which sits just to the rear of its conservatory. There is a single storey projection at No 29 which sits between the patio and the boundary with the appeal site. The existing single storey rear elements on the

appeal site have a discreet presence when appreciated from the patio area and rear lawn serving No 29.

12. In contrast, the proposed first floor extension at No 27 with its substantial roof form would introduce built form of considerable mass and scale within close proximity of the patio area and lawn. Even accounting for the separation provided by the single storey projection at No 29, the proposed development would have an imposing presence which would unacceptably reduce the quality of outlook experienced from the patio area and would also be an overbearing feature when seen from the more immediate areas of lawn at No 29.
13. The appeal dwelling and its adjoining neighbours on Foley Road East have a south facing rear aspect. Consequently, the substantial mass of the proposed first floor extension and its close proximity to the conservatory and rear patio at No 29 has the potential to overshadow and unacceptably reduce levels of light received by occupiers of this neighbouring property. The appellant suggests that 'any impact from the proposed extension will only be until around 11.00am'. Even that has the potential to be unacceptably reduce levels of light below established levels and there is no detailed evidence before me to demonstrate that the proposal would not have an unacceptable effect on light at No 29.
14. The proposed two-storey extension would align closely with an existing first floor window within the side gable of No 25. The proposed development would have the potential to restrict outlook from, and the light received by, this window. However, given the window's position set away from the boundary and as it does not appear to be the primary window to the room it serves, any such effects would likely be limited and not materially harmful. There is another first-floor side window within the same gable of No 25 but that is set behind the position of the extension and so would be unlikely to be materially affected. Nevertheless, my findings in respect of the living conditions of No 25 do not overcome the harm identified to the living conditions of occupiers of No 29.
15. I conclude that the proposed development would be harmful to the living conditions of occupiers of No 29 in respect of outlook and it has not been demonstrated that there would be no material harm to levels of light received by No 29. The proposal would therefore be contrary to UDP Policy GP2 (Environmental Protection), insofar as it requires that development does not cause an unacceptable adverse impact on matters including daylight and sunlight received by nearby properties. The proposal would also be contrary to paragraph 135 (f) of the Framework, which requires development to create places with a high standard of amenity for existing and future users.

Other matter

16. I understand the appellant's aims to provide additional habitable accommodation and to improve the layout of the rooms, however it has not been demonstrated that this could be achieved in a way that does not cause the harm identified under the main issues.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed because of the conflict with the development plan as a whole and there being no material considerations which

indicate that a decision should be made other than in accordance with the development plan.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR