



Appeal Decision

Site visit made on 2 August 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/G4620/D/24/3338069

7 Standbridge Way, Tipton, Sandwell, DY4 8TS

- 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 Mrs Harjinder Johal against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/23/68650.
 - The development proposed is amendments to approved application ref DC/23/68253 to remove indentation from rear extension to both ground floor and upper floor proposals. Demolition of existing conservatory to form 2 storey rear extension. Double storey extension to form loft rooms with roof lights. Single storey front extension to form porch and extended study. Single storey extension to extend existing bay window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development refers to a previously approved application.
3. The previously approved application includes a rear extension that does not project across the whole width of the rear of the appeal dwelling, whereas the proposal the subject of this appeal does. In this regard, the appellant states that the proposal the subject of this appeal seeks to "infill an indentation to the rear extension."

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 5 Standbridge Way, with regards to outlook.

Reasons

5. The appeal property is a brick-built two storey detached dwelling. The dwelling is set back from the road behind a parking area and has a paved garden area to the rear.
 6. The appeal property is located in a residential area characterised by the presence of mostly two storey detached and semi-detached dwellings. Dwellings are set back from the road behind gardens and/or parking areas and have gardens to the rear.
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7. During my site visit, I noted that detached dwellings and pairs of dwellings are sited close to one another such that gaps between dwellings are very narrow. One consequence of this is that dwellings are built very closely to shared boundaries.
8. I also observed during my site visit that the appeal dwelling is sited further back from the road than its neighbour, Number 5 Standbridge Way. This results in the appeal dwelling's rear elevation being sited further back than that of No 5.
9. The proposed development would extend the appeal dwelling across the full width of its rear elevation at both ground and first storey height. This would result in an extension that would project well beyond No 5's rear elevation. I find that the height of the proposed two storey element and its immediate proximity to the shared rear boundary would combine to the effect that the proposal would appear to "loom" above the rear outlook from No 5 to an overbearing degree.
10. The harm arising from this would be exacerbated by the proposed depth of the ground floor rear extension. This would project considerably further than the two storey element and would do so at such a height and within such immediate proximity of the shared rear boundary that it would unduly dominate the outlook from the rear of No 5, as well as that from the area of No 5's rear garden closest to the appeal property.
11. Taking all of this into account, I find that the proposal would harm the living conditions of the occupiers of Number 5 Standbridge Way with regards to outlook, contrary to the National Planning Policy Framework; to Black Country Core Strategy (2011) Policy ENV3; and to the Sandwell Site Allocations and Delivery Development Plan Document (2012) Policy EOS9, which together amongst other things, seek to protect residential amenity.

Other Matters

12. In support of her case, the appellant states that the proposal will enhance security. Whilst this may be the case, there is nothing before me to demonstrate that the development proposed is the only possible way of achieving this.
13. Notwithstanding this and in any case, I have found that the proposal will result in harm to residential amenity and this is not a matter that is outweighed by any benefits, perceived or actual, in respect of security.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR