



Appeal Decision

Site visit made on 6 December 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/G4620/D/24/3353254

110 Princess Road, Sandwell, Oldbury, B68 9PW

- 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 Mrs Susan Walters against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/24/69408.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of a single storey rear extension at 110 Princess Road, Sandwell, Oldbury, B68 9PW Ref: DC/24/69408 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (unique reference vlf//1107930/1491087) and existing and proposed plans dated 04.06.24);
 - 3) The materials utilised within the development hereby permitted shall match those utilised within the existing dwelling. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal upon neighbour residential amenity with regard to light, outlook and overshadowing.

Reasons

4. The appeal site is a two storey, mid terraced, residential dwelling which currently benefits from a mono-pitch single storey rear extension. The proposal before me seeks permission for a single storey rear extension that would effectively extend the existing rear extension from in the region of 3.3 metres to 3.9 metres in width. The length of the rear extension would remain as existing in the region of 4.72 metres. The height would essentially remain

as existing before reducing towards the northern boundary line as a result of continuation of the existing roof pitch. The appellant outlines that the appeal site is ex-Council house with a rear extension which was constructed at the point the property was Council owned.

5. The Council's single refusal reason relates to neighbouring residential amenity insofar as it asserts that the proposed length and width of the single storey extension would exceed the 45-degree code to an extent that would an appreciable loss of light, outlook and the effect of overshadowing to a neighbouring property. The Council's assessment of the proposal is, to say the least, limited in detail as to a consideration of the actual impact of the proposals in relation to the site context and the presence of the existing rear extension. The assessment appears to largely rely upon a on breach of the 45-degree line as a refusal reason in relation to neighbouring amenity.
6. Whilst the proposal may be in breach of the 45-degree rule, I do not find that breach of this guidance should automatically result in refusal - it turns to consider actual impact on a site-by-site basis, albeit it is a useful starting point for assessment. The increase in width the existing single storey extension would be in the region of 0.6 metres, and I find that the increase in built form as a result of the proposals would not lead to a material loss of light or outlook to the adjacent property to the north of the appeal site. The increase of 0.6m would be at a lower height than the existing extension as, as previously noted, a result of continuing the existing roof pitch.
7. The extension, essentially, already exists and the increased width at a lower height towards the shared boundary would not result in additional impact on light or overshadowing or tunnelling, sufficient, to warrant refusal. In the case before me, whilst the proposal would narrow the gap between the extension and the site boundary, I do not find that the proposal would result in significant or adverse impact sufficient to warrant refusal even with a breach of the 45-degree rule given the presence of an existing extension of the same length, the proposed height and taking into account the adjacent boundary fencing.
8. The proposal would be consistent with Black Country Core Strategy 2011 Policy ENV3 which seeks to ensure provision of high-quality buildings and Site Allocations and Delivery Development Plan Document 2012 Policy EOS9 which seeks to avoid proposals that are clearly out of scale with or incompatible with their surroundings. The proposal would also be consistent with the revised Residential Design Guide Supplementary Planning Document 2014 which seeks, as an overarching objective, to avoid poor quality domestic extensions that do not fit in visually or are clearly out of keeping with their surroundings and to avoid unacceptable impact on neighbouring properties.

Conditions

9. The Council have, within their questionnaire, suggested three conditions which I have considered and applied as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish in accordance with the details submitted – to match the host dwelling.

10. I note that, within the appellant's statement, an offer has been made to obscurely glaze the side window if overlooking is a concern. The Council's reason for refusal, and delegated report, does not raise any concern with regard to overlooking and based upon this and my site visit I have no reason to conclude differently. Taking into account the boundary treatment I do not find it is reasonable or required in this case to add obscure glazing to the side window as I find it is unlikely there is opportunity for overlooking of a nature which would warrant refusal.

Conclusion

11. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR