



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: 16 December 2024

Appeal Ref: APP/G4620/D/24/3351968

2 Kinsey Road, Smethwick, B66 4SN

- 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 Haroon Ahmed against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/24/69590.
 - The development proposed is conservatory to side of property (Revision to refused planning permission DC/24/69085).
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Decision

1. The appeal is dismissed.

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. I have also utilised the site address, and postcode, set out within the Council's decision notice/appellant's appeal form as the site address in the original application form itself (section 4) appears to be incorrect.
3. The National Planning Policy Framework was revised on 12 December 2024; however, the key changes are not considered to impact upon the determination of this appeal in relation to the main issues noted below.

Main Issue

4. The main issue is the impact of the proposal upon private amenity space and the visual amenity of the street scene.

Reasons

5. The appeal site is a two storey, attached, residential dwelling located on a corner plot within Kinsey Road. The proposal seeks to add a conservatory to the side of the property, and I note, from my site visit and the planning history noted within the Council's delegated report, that the host dwelling appears to have already been extended most notably via a two-storey side extension which was granted under planning permission DC/20/64022 in May 2020. The approved, and built, side extension does, however, leave sufficient private outdoor amenity space to the side and front of the dwelling for the benefit of occupiers. The proposed conservatory would be attached to this extension.
6. The proposal that is before me would measure in the region of 4.5 metres in length and 6.32 metres in width with an overall height of 2.9 metres. As can be seen, from the submitted proposed site location/block plans the proposal,

denoted by the black rectangle, would extend into the remaining amenity space/garden which I find would significantly reduce the garden amenity space to an unacceptable level. The proposal would result in a significant majority of the appeal site being covered by built form with significant loss of private amenity space. As a result of this I consider the proposal to be over development and over intensification of the appeal site as well as unacceptable in terms of residential amenity for occupiers of the host dwelling.

7. The application form states that the proposal would, in terms of materials, utilise brick, tiles and UPVC to match the host dwelling which would ensure that the materials are consistent with the remainder of the appeal site, however, the proposal would result in a flat roof, largely glazed, conservatory which I do not find would complement the street scene. The proposal would appear as out of character when viewed from within the immediate vicinity. Views of the proposal would still be available of the top of the proposal which would be consistent with the eave height of the existing side extension where it would join the existing kitchen. In this case I therefore find that the proposal would both be inconsistent with the character and the appearance of the host dwelling and the immediate locality. The proposal would have a significant detrimental impact on the street scene and result in over intensification of the appeal site which is sufficient to warrant refusal.
8. I note that the appellant outlines planning approval which is stated to have been granted at 12 Barratt Street as well as having included the plans from that proposal (drawing number P/20/11/7). Whilst I do not have a copy of the decision notice itself, for that site, the plans provided are of limited comparison to the proposal that is before me. The proposal appears to be for a single storey rear extension and works to the boundary and, whilst this is a flat roof structure, it is a brick structure which I find to be more appropriately designed and in keeping with design in the locality. Furthermore, whilst site plans have not been provided, I would assume, that if this has been approved as stated, that this left sufficient garden space as a result of the proposals to be considered acceptable from the perspective of the amenity of occupiers of that site. Based upon the limited information before me I therefore find that the proposal at 12 Barratt Street is of limited similarity, or weight, to the proposals that are before me and each case should be considered on its own merits. In this case, I find the appeal proposal is inconsistent with general design within the locality and, most notably, would result in the vast majority of the plot being the subject of built form resulting in over intensification.
9. I note, and acknowledge, the comments made by the appellant as to the need for the space as well as their willingness to change layout or consider any changes required to accommodate the concerns. Whilst I attribute great weight to the need stated for the space, I do not find that, in this case, this outweighs the substantial harm I have identified to the locality nor would this overcome the fact that the appeal site, if this proposal were allowed, would essentially be left with no garden which would be unacceptable for the lifetime of the development.
10. The original dwelling has already benefitted from a two-storey side extension and, cumulatively, proposed extensions would be disproportionate to the host dwelling and unfortunately it is not the place for an appeal to consider changes to the proposal – I must consider the proposal as determined by the Council before me. I have considered, for example, whether a condition relating to

alternative materials could make the proposal acceptable, however, this would not change the scale of the proposals or overcome the impact of loss of garden/amenity space as outlined as a key issue.

11. The proposal would be contrary to Policy ENV3 of the Black Country Core Strategy 2011 which seeks to delivery high quality design and Policy EOS9 of the Site Allocations and Delivery Development Plan Document 2012 which outlines that particular regard will be paid to how the development relates to the street, its relationship with the public realm and the nature and height of any buildings and their effect on the surrounding urban area. The proposal also seeks to reject poor designs, particularly those that are inappropriate in the locality, for example, those clearly out of scale or incompatible with their surroundings.
12. The proposal would also be contrary to the Residential Design Guide Supplementary Planning Document 2014 which states, in relation to personalisation and domestic scale extensions, that extensions must be in proportion to the scale of the existing dwelling and street scene, the appearance and architectural detailing must respect established design codes and that the over intensification of individual dwellings where it is proposed to extend them to a scale that is considered unreasonable will be resisted.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR