



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: 16th December 2024

Appeal Ref: APP/G4620/D/24/3352694

41 Moore Crescent, Sandwell, Oldbury, B68 9QP

- 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 Intisham Khan against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/24/69386.
 - The development proposed is two storey side/rear and single storey front/rear extensions.
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Decision

1. The appeal is allowed, and planning permission is granted for proposed two storey side/rear and single storey front/rear extensions at 41 Moore Crescent, Sandwell, Oldbury, B68 9QP in accordance with application ref: DC/24/69386 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: proposed site plan and OS Location (023-24-011) and proposed plans and elevations (023-24-02);
 - 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 proposal as I find it describes the proposal more concisely than that stated within the application form.
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 on the semi-detached dwellings as a pair and the street scene.

Reasons

5. The appeal site is a semi-detached residential dwelling located within a residential area which is largely characterised, in terms of Moore Crescent

itself, by pairs of semi-detached dwellings. The appeal site is the last semi-detached property, on this side of the street, before the junction with Brookfield Road, however, I did not find the host dwelling to be overly prominent within its location largely due to views, from the west, being generally limited and views, from the east (the junction with Brookfield Road) being largely dominated by 42 Moore Crescent which stands at an angle, within a corner plot, to the appeal site in question.

6. The Council state that in accordance with design policy the two-storey side element should be set back from the existing front elevation and set down from the existing ridge height thereby being compliant with design policy. No specific mention is made, within the delegated report, as to which design policy the Council are referring to, but it is assumed that this is the revised Residential Design Guide Supplementary Planning Document 2014 (SPD) that is referenced within the stated refusal reason.
7. The SPD, in relation to personalisation and domestic scale extensions, requires that extensions must be in proportion to the scale of the existing dwelling and street scene, the appearance and size of roof designs, windows, doors 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.
8. I note correspondence, between case officers and the appellant, during the application process as summarised by the appellant. The SPD is, ultimately, guidance which seeks to deliver the overarching objective of extensions being in proportion to the scale of the existing dwelling and the street scene. Despite this the SPD does not appear to make specific reference to a requirement for setback from the existing front elevation, at a defined depth, nor set down from the existing ridge height albeit it is acknowledged that this is often a commonly accepted approach to demonstrate subservience of any extensions to the host dwelling itself.
9. The massing of the front extension would not extend across the entire frontage and, whilst the first-floor element would be flush with the principal elevation I do not find that the massing and scale of the proposals would be over-intensive as a result of a lack of a setback. In this case I find that the notable set down from the existing ridge height is sufficient for the side extension to read as a subservient extension leaving the original pair of semi-detached dwellings fully legible within views available within the street scene. Overall, I do not find that the two-storey massing would have a detrimental impact on the street scene nor upset the symmetrical relationship currently shared to a degree that would be sufficient to warrant refusal in this case.
10. I also note, that as part of the proposals, a two-storey rear extension is also proposed but the Council's delegated report, and the refusal reason, does not raise any issue with this element with the refusal reason being largely based upon detrimental impact on the street scene. The proposed extensions would be not insignificant, but I do not find that the massing and scale of the extension, caused by the two-storey side extension not being set back, would be over intensive. The proposals would, ultimately, leave the host dwelling legible in its own right as well as in the context of the pair of semi-detached dwellings and has taken clear design cues from the host dwelling and

surrounding areas with regard to the appearance and size of roof designs, windows, doors, and architectural detailing.

11. The proposal would be consistent with 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. I do not find that the proposal is inappropriate within the locality nor that it is out of scale or incompatible with its surroundings.

Conditions

12. 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 – the match the host dwelling.

Conclusion

13. 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