



Appeal Decision

Site visit made on 19 December 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2025

Appeal Ref: APP/C4615/D/24/3353211

12A Tregarron Road, Cradley, Dudley B63 2JS

- 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 Mr D Southwick against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/0597.
 - The development proposed is extension to create new first floor accommodation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the appeal proposal on the character and appearance of the host property and the surrounding area and its effect on the living conditions of the adjoining occupiers at No 14 Tregarron Road (No 14), in terms of loss of light and outlook.

Reasons

3. The appeal property (No 12a) is a bungalow with an irregular footprint. Its front section faces onto Tregarron Road and it also has an angled, or dog-leg, rear element. The proposal is for an upwards extension over the entire footprint of the bungalow to form a two-storey house.
4. The angled, rear element of the existing bungalow appears modest in its setting. However, the scale, massing and design of the first floor, rear dog-leg element of the proposal would appear overly bulky and incongruous within the street scene. Tregarron Road slopes steeply and the difference in ground levels would raise the visual prominence of the proposed side elevation facing No 14. The rear element would not be sufficiently screened by the more regular form of the front of the proposal such as to minimise its impact. The development would not be a subservient extension and would thus conflict with the design guidance set out in the Council's Residential Design Guide SPD (the SPD).
5. I turn now to the effect of the proposal on the neighbouring occupiers. The appeal bungalow stands at a higher ground level than the adjacent two-storey house at No 14. The house has 2 windows in its side elevation facing No 12a. One is the sole window to a bedroom and the other serves a bathroom.

6. The proposed first-floor extension would introduce higher level development close to the side bedroom window of its neighbour. The additional height and overall mass of the development at such close proximity would be excessively overbearing in the outlook from the bedroom window and would affect neighbouring light levels. These effects would be materially different from the impacts of the existing, much smaller scale bungalow.
7. Furthermore, the distance between the window and the proposed flank wall of the dog-leg extension would fall well below the minimum 14m distance required by the SPD. Whilst they can be useful aids in determining the impacts of new development on light levels, the appellant's evidence relating to the application of the 25 degree and 45 degree codes does not outweigh planning judgement based upon the specific circumstances of this case. I conclude that the rear element of the proposed extension would result in a loss of light and unacceptable outlook from the bedroom at No 12 such as to harm the living conditions of its occupiers.
8. Whether or not the appeal proposal could be constructed under 'permitted development rights' is not a matter before me. There is no evidence indicating whether such rights were removed when the original bungalow was approved as infill development within a garden plot. As no formal determination of this matter has been provided, there is no credible fall-back position in this regard.
9. For the reasons set out above and having regard to all other matters raised, I conclude that the proposed development is contrary to Black Country Core Strategy (2011) Policy ENV2 - Historic Character and Local Distinctiveness, Policies S6 - Urban Design and L1 - Housing Development, Extensions and Alterations to Existing Dwellings of the Dudley Borough Development Strategy (2017) and the SPD with regard to their requirements for high quality, responsive design and in respect of the impact of new development on neighbouring occupiers. The proposal also conflicts with the similar objectives of the National Planning Policy Framework and the National Design Guide.
10. Accordingly, the appeal is dismissed.

Elaine Benson

INSPECTOR