



Appeal Decision

Site visit made on 18 March 2025 by M Long BA (Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/P1805/D/25/3359551

63 Summervale Road, Hagley, Worcestershire DY9 0LX

- 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 Parmjit Kalsi against the decision of Bromsgrove District Council.
 - The application Ref is 24/01023/FUL.
 - The development is a single storey extension to rear, with double storey above existing garage and loft conversion with rear dormer, including raised patio to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear, with double storey above existing garage and loft conversion with rear dormer, including raised patio to rear at 63 Summervale Road, Hagley, Worcestershire DY9 0LX in accordance with the terms of the application, Ref 24/01023/FUL and the plans submitted with it, subject to the following condition:
 - 1) Within three months of the date of this decision, precise details of the composition of the privacy screens to either side of the raised patio as indicated on Drawing No 02 Rev A (Proposed Building), and timescales for their implementation, shall be agreed in writing with the Local Planning Authority. The privacy screens shall be carried out in full accordance with the approved details and implementation timescales and shall then be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interests of precision, I have removed reference to a previously approved scheme and the word 'retrospective' from the description of development as these are not acts of development. Also, the original description refers to 'rear dormers', however the 'proposed' drawings indicate a single large rear dormer and, as observed on my site visit, this is already in situ. Therefore, I have amended the description accordingly.
4. The appeal development amends a scheme previously granted planning permission at the site (LPA Ref 20/00587/FUL) (the previously approved scheme). Of the identified changes, the Council's concerns specifically relate to the single storey rear extension and raised patio to the rear. However, third-parties have

raised concerns in regard to other elements of the appeal scheme, and these are also addressed within this appeal recommendation.

5. During my site visit, I observed that the appeal development was largely completed as shown on the submitted drawing, save for the proposed privacy screens which were not in situ. Therefore, the appeal is made substantively on a retrospective basis, and I have considered it accordingly.

Main Issue

6. The main issue is the effect of the development on the living conditions of occupiers at 61 Summervale Road (No 61) and 65 Summervale Road (No 65) with particular regard to outlook, light and privacy.

Reasons for the Recommendation

7. The appeal dwelling and No 61 form a semi-detached pair which each have large rear gardens that share a tall boundary treatment. No 61 has a single-storey rear conservatory sited next to this boundary and an area of decking to the other side of the conservatory that is raised above a lawn. The unattached neighbour, No 65, has glazed French doors to its ground floor rear elevation that are positioned close to the boundary with the appeal site. These doors are elevated above a patio, which itself is raised above a lawn. There is a boundary fence along the patio area at No 65. At lawn level there is also fencing along this boundary as well as tall, dense vegetation on the side of No 65.
8. The rear extension has a similar footprint to, and only modestly taller eaves than, the previously approved scheme and the roof lanterns are discreetly set away from the edge of the roof. Furthermore, the extension's position set away from the shared boundary with No 65, and the relative position of the French doors at No 65, ensure that a suitably open aspect is retained over the wide patio area and long garden serving that neighbouring property.
9. The proposed privacy screen next to the boundary with No 65 would be mounted upon the raised patio and set slightly in from the existing fence boundary. It would be appreciated in a similar way to a typical boundary feature from the French doors and patio at No 65, due to the comparable levels at this point. The rear section of the patio and privacy screen would sit above and parallel to the lower-level lawn at No 65. Even so, this would be experienced within a very limited section of the wider garden at No 65 which, would ensure that the privacy screen would not be a dominating feature. Moreover, it would be at a height significantly below the well-established and more substantial boundary planting which sits alongside much of the lawn at No 65.
10. The extension has a single storey scale, limited depth and is set away from the boundary with No 65. Taking this into account, alongside the comparable levels of the patio and proposed privacy screen relative to the windows and patio at No 65, there would be no material overshadowing or loss of daylight within or outside this neighbouring property. There is no technical evidence before me to suggest otherwise.
11. The privacy screen closest to No 61 would extend a short distance beyond the rear elevation of the neighbouring conservatory and given the comparable levels would also appear similar in height to a typical boundary feature from those windows.

Again, while the patio and privacy screen would appear taller from lawn level at No 61, the limited depth and height of the patio as well as the position of the privacy screen set in from the boundary would ensure that, even in combination, there would be no material effect on outlook from within this generously proportioned neighbouring garden.

12. Given the sun's path and the respective orientation of the semi-detached pair, the section of patio and privacy screen closest to No 61 would not result in undue overshadowing to its rear amenity space. Furthermore, due to the large, open nature of the rear garden at No 61, its occupiers would continue to receive suitable levels of daylight.
13. Within their assessment of the scheme, the Council sets out that the proposed privacy screens could mitigate direct overlooking of neighbouring properties. Indeed, the submitted plans which were before the Council at the application stage show privacy screens. From my site observations, subject to precise details of their composition, these privacy screens could ensure that views taken from the raised patio or ground floor glazed openings on the host dwelling are channelled towards the end of the rear garden, and that any views of neighbouring gardens would be of more peripheral areas. I am satisfied that a condition requiring precise details of the composition of the privacy screens and timescales for their implementation would ensure suitable levels of privacy are provided for occupiers of No 61 and No 65 and that they would be installed at an early point following this decision.
14. Third-party concerns have also been raised in regard to alterations to the configuration of the rooms in the roof space of the extended dwelling in terms of the potential for overlooking effects from windows serving these rooms. However, these would not materially alter relationships beyond the views already obtainable from original first floor rear windows and those that could already be achieved from the previously approved planning permission for similar extensions. Indeed, a degree of mutual overlooking of rear gardens is expected in a suburban context such as this.
15. I conclude that the development has an acceptable effect on the living conditions of occupiers at No 61 and No 65 with particular regard to outlook, light and privacy. In that regard, it would accord with the Bromsgrove District Plan (2017) specifically Policies BDP1 (Sustainable Development Principles) and BDP19 (High Quality Design) which, amongst other things, require proposals to have regard to the compatibility with adjoining uses and the impact on residential amenity and to deliver high quality design.
16. For the same reasons, there is no conflict with the high standard of amenity requirements in the National Planning Policy Framework. The development also accords with Bromsgrove District Council's High Quality Design Supplementary Planning Document (2019) which at paragraph 3.1.7 seeks to ensure the protection of neighbouring amenity including taking account of the potential for overlooking, overshadowing and overbearance.

Other Matters

17. Third-party representations have referred to the potential for additional noise and disruption as a result of changes to the internal layout of the appeal dwelling and the raised patio. There is no compelling evidence before me to suggest that the

appeal development is likely to give rise to levels of noise and disturbance beyond levels that would reasonably be expected in relation to a single residential property.

18. Concerns have been raised regarding the effect of the appeal development on the living conditions of occupiers at 59 Summervale Road (No 59). Similarly to my findings in respect of Nos 61 and 65, the privacy screens would mitigate the potential for any harmful overlooking of other surrounding gardens, and given its distance set away from the appeal site, the screens would not appear overbearing from No 59.
19. I observed that the scale and design of the appeal development is appropriate in relation to its host and is finished with external materials that complement the character of the building and wider area. Also, any changes to the front of the property when compared to the design of the previously approved scheme are modest and have an acceptable relationship within the street scene. As such, the appeal scheme does not result in harm to the character and appearance of the area.
20. While there may be few developments of a similar design to the appeal scheme within the surrounding vicinity, there is no evidence to suggest that allowing the appeal would set an undesirable precedent in the local area. Furthermore, each scheme must be determined on its individual planning merits and circumstances.

Conditions

21. Drawing No 02 Rev A (Proposed Building) provides details of the proposed privacy screens, including their positioning. An image of a 'hit and miss' privacy screen with slats is included. However, it is not to scale and it is unclear how narrow the gaps between the slats would be or whether the slats would be angled for example. Given the patio is already in place, a condition requiring precise details of the privacy screens is reasonable and necessary to ensure the final design is agreed with the Council and that they are then implemented within a reasonable timescale.
22. Given that the scheme is substantively completed as per the submitted drawing, it has not been necessary to apply a condition for time commencement for the remainder of the appeal development.

Conclusion and Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR