



Appeal Decision

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

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/C4615/D/25/3358639

16 Royal Oak Road, Halesowen, Dudley B62 0DZ

- 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 Piers Banfield against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/1252.
 - The development proposed is a single storey extension to rear of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear of dwelling at 16 Royal Oak Road, Halesowen, Dudley B62 0DZ in accordance with the terms of the application Ref P24/1252, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 23-516-06E (Proposed Plans and elevations), 23-516-07E (3D Views of proposed) and 23-516-08 (Site Plans and Location Plan).

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. There is a discrepancy between the names included in the application form and the appeal form. I have included Mr Piers Banfield's name, which was given in the application form, following clarification that the appeal form was completed by someone else on their behalf.
4. The conclusion within the officer's report mentions conflict with additional policies beyond those cited in the reason for refusal contained in the decision notice. In the interests of completeness, all mentioned policies have been addressed in the recommendation below.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of occupiers at 14 Royal Oak Road (No 14) with particular regard to outlook, sunlight and daylight.

Reasons for the Recommendation

6. The appeal dwelling and No 14 form a semi-detached pair which each benefit from large rear gardens. The outdoor amenity spaces closest to their rear elevations are separated by a tall, fenced boundary. There is a large, glazed opening to the ground floor rear elevation of No 14 that is positioned close to the shared boundary. It has an open aspect out towards the rear garden, albeit limited to one side by the existing tall boundary with the site.
7. The proposal would be taller than the existing boundary, however it would have a single-storey scale with a flat-roof design that would limit its overall height. Moreover, its depth would not be excessive. As such, when experienced from the room served by the glazed opening at No 14, the proposal would not materially worsen the quality of outlook beyond the existing situation created by the tall, fenced boundary. Due to the large size of the rear garden, the proposal would not appear overbearing or result in an undue sense of enclosure for its occupiers.
8. Given the orientation of the semi-detached pair, the siting of the proposal may result in some shading to the outdoor amenity space and glazed opening at No 14 in the morning. However, any resultant loss of sunlight would be for a limited time and the effect would be minimal beyond the existing shading effect of the tall boundary fence. Taking into account the large size of the glazed opening and the open area in front of it, a sufficient level of daylight would be retained by the room it serves. Similarly, the large size of the rear garden would retain suitable daylight.
9. Dudley Council's Residential Design Guide 2023 (RDG) aims to protect the amenity of neighbours and sets out a '45 Degree Code' for development to ensure adequate levels of light and outlook. The proposed extension would breach a 45-degree line taken from the large, glazed opening at No 14.
10. Nevertheless, for the reasons given above, there is no identified harm to the living conditions of occupiers at No 14 with regard to light and outlook. Whilst the RDG sets out that development should adhere to the 45 Degree Code, it does not state this must be achieved in all cases and there would be no conflict with one of its overarching aims to protect the amenity of neighbours. Whilst the guidance contained within the RDG is acknowledged, for the above reasons I am satisfied that the proposal would accord with the relevant development plan policy as set out below.
11. I conclude that the proposal would have an acceptable effect on the living conditions of occupiers at No 14 with particular regard to outlook, sunlight and daylight. As such, it would accord with Policy L1 (Housing Development, extensions and alterations to existing dwelling) of the Dudley Borough Development Strategy (2017) (DBDS) which seeks to ensure that development is appropriate in its locality and would not cause unacceptable harm to the amenities of occupiers of neighbouring dwellings, including harm arising from loss of outlook and sunlight. The proposal would accord with the high standard of amenity requirements in the National Planning Policy Framework and the objectives of the National Design Guide which seeks well-designed places.
12. The Council also mention conflict with Policies S6 (Urban Design) and S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the DBDS, as well as Policies ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy (2011). Amongst other

things, these Policies primarily focus on design in relation to local character and distinctiveness, the identity of each place and the historic environment. Their relevance to the living conditions considerations of this appeal has not been demonstrated. As such, they have not been decisive in relation to this appeal.

Other Matters

13. The conclusion within the officer's report mentions significant harm in terms of privacy, however this is not substantiated within the report nor mentioned in the reason for refusal contained in the decision notice. Given that the proposed glazed openings to the proposal would be at the ground floor level and facing towards the rear garden of the appeal site, they would not give rise to overlooking that would be harmful to the privacy of neighbouring occupiers. The views which would be possible from these proposed openings would be similar to those taken from the rear glazed openings of the existing appeal dwelling.

Conditions

14. I recommend the standard time period for commencement and a condition to require that the development be carried out in accordance with the approved plans, which are necessary for certainty.
15. The scheme introduces external materials not used by the host and so a condition to ensure matching external materials are used is not relevant to the development. There is sufficient detail regarding the use of external materials in the application form and approved plans, including their depiction in '23-516-07E (3D Views of proposed)'. As such, a separate condition to control the use of materials in this instance is not considered necessary to protect character and appearance.

Conclusion and Recommendation

16. 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

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

Mr A Spencer-Peet

INSPECTOR