



Appeal Decision

Site visit made on 26 September 2025

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/G4620/D/25/3370349

48 Barnfordhill Close, Oldbury, Sandwell B68 8ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Hardeep Sandhu against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/25/70511.
 - The application sought planning permission for “Proposed variation of conditions 1 and 3 of planning permission DC/22/67305 (Alterations to roof design and materials and raising of roof height of single storey side/rear extensions and front porch)” without complying with conditions attached to planning permission Ref DC/22/67305, dated 18 November 2022.
 - The conditions in dispute are No.1 and No.3:
 - Condition No.1 states that: “The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s); and
 - Condition No.3 states that: “The external materials used in the development hereby permitted shall match in colour, form and texture those of the existing building unless otherwise agreed in writing by the Local Planning Authority.”
 - The reason given for Condition No.1 is: “To ensure that any development undertaken under this permission shall not be otherwise than in accordance with the terms of the application, on the basis of which permission is being granted, except in so far as other conditions may so require.”
 - The reason given for Condition No.3 is: “To ensure the satisfactory appearance of the development in accordance with policies ENV3 Design Quality of the Black Country Core Strategy and SADEOS9 Urban Design Principles of the Site Allocations and Delivery Development Plan Document.”
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Decision

1. The appeal is dismissed.

Procedural matters

2. This type of appeal that seeks the deletion of a condition means that the original grant of planning permission is opened for re-consideration in its entirety with the initial grant of permission therefore being at risk. Having reviewed the application, I have no reason to dispute the opinion of both parties that the proposed extension in terms of its principle and footprint is acceptable in principle (without detailed considerations) and is made in accordance with the Development Plan, having considered its policies and any other material considerations. Taking this into account, I will therefore only consider the elements in dispute which revolves around the increased height of the proposed extension.
3. Whilst it is noted that Condition No.3 is sought to be varied, from a review of the appeal and application documents, it is unclear what is being varied. The condition seeks that materials utilised in terms of colour, form and appearance should be in-

keeping with the existing building. This also appears to be the case within the proposed scheme in that the scheme, whilst a different roof form would still contain materials 'which match the host building.' As such it is clear to me that the proposed scheme would be compliant with Condition No.3 and would not be a variation to it. Condition No.1 however is seeking a change to the approved plans, which will be the focus within this letter.

Background and Main Issues

4. As mentioned previously the appeal site has existing approval to erect a side and rear extension along the boundary which is still implementable. The approved extension has a 7.4 metre wall along the boundary with No.46 Barnfordhill Close, with a pitched and gabled roof with a total height of 2.3 metres tall along the boundary. The proposed variation is to maintain the footprint as approved, but to change the roof form to a lean-to roof with the tallest part of the lean-to roof along the boundary with No.46 Barnfordhill Close at a maximum height of 4.1 metres.
5. Taking the above into account, the main issues are the effect of the proposed change in roof form and increase in height upon:
 - The character and appearance of the host dwelling, including the surrounding locality; and
 - The living conditions of the neighbouring dwelling at No.46 Barnfordhill Close, with particular regard to outlook and sense of enclosure.

Reasons

Character and Appearance

6. The appeal property is a detached link-house, that located towards the end of a cul-de-sac that is part of a planned housing development during the mid-late twentieth century. Like developments occurring around this time, there is an emphasis on greenspaces with areas of grass verges to the front of properties that follow the road edge which adds to an open and green appearance together with gaps in between dwellings that allow views to tops of trees in rear gardens. The appeal dwelling along with dwellings in the greater development are a simple and functional design with pitched and gable roofs fronting the street, concrete tiles and buff brick with uPVC window frames. Dwellings are two storeys tall, constructed of brick with feature hanging tiles to the front facades. There is evidence of extensions, such as infilling of the gap and link between dwellings for habitable accommodation (no.44 adjacent), and small garages.
7. In undertaking extensions, the Black Country Core Strategy (BCCS) Policy ENV3 and the Sandwell Site Allocations and Delivery Development Plan Document (DPD) Policy SAD EOS 9 which sets a number of design and place making principles, where applications are expected to create high quality design and appreciating the context and scale of their surroundings.
8. The existing approval contained a 7.4 metre long wall along the boundary with a maximum height of 2.3 metres, which is a little over the existing fence height and contained a simple and functional style roof form that complemented the existing dwelling. The proposed change in roof form has a variance in design and form, and together with the increased height is overcomplicated and excessive in height

which would accentuate its form and appearance rather than be subservient to the existing dwelling.

9. I can appreciate that the changes are a result of reducing water runoff to the neighbouring property, however it is unclear how a 1.7 metre increase in the form proposed is the only option or way of achieving this. I can also appreciate that other properties along the street have implemented side extensions, however none are comparable to the height and length as proposed via this appeal. Additionally harm to character and appearance is not solely measured by an extension's visibility to the public realm, as a holistic assessment of character and appearance requires an assessment of how the extension is appreciated from its juxtaposition to the existing dwelling from both the public and private realm. Whether the extension can be seen or not is not a determinant to its appropriateness.
10. I note an example approval from 54 Barnfordhill Close is utilised to demonstrate the appropriateness of the appeal scheme, given that this scheme has a large flank wall that is visible from the street scene. This development is not comparable to the appeal site which is a relatively long single storey extension to the rear which has a different form and appearance to that of No.54. As such, the development at No.54 does not assist in demonstrating the appropriateness of the raised roof height along the boundary and rear garden.
11. In conclusion of this matter, the proposed increase in height is of an awkward appearance that as a result of its massing, proportions, and appearance does not successfully integrate with the characteristics of the existing dwelling or the greater locality. As such the proposed scheme would be contrary to BCCS Policy ENV3 and the DPD Policy SAD EOS 9 as described previously.

Living Conditions

12. The rear garden of the appeal site and the neighbouring dwelling at No.46 is relatively shallow, with the proposed brick wall at the approved height of 2.3 metres running 7.4 metres along the boundary, which is a large proportion of the length of the rear garden. The increase in height of the blank boundary wall to the rear garden by approximately 1.7 metres is a significant increase that would be almost double the height as approved. The additional height of this blank boundary wall for much of the length of the garden would have an obtrusive and domineering presence to the rear garden of No.46 increasing the sense of enclosure and reducing the level of outlook to a significant degree. The increased height would have an oppressive appearance which would cause significant detriment to the living conditions of the neighbouring resident from the rear windows as well as from the garden itself.
13. Taking the above into account and in conclusion of this matter, the proposal would cause significant detriment to the living conditions of the neighbouring occupier at No.46. As such, the proposal would be contrary to BCCS Policy ENV3 and the DPD Policy SAD EOS 9 which seeks that development not cause adverse detriment to the living conditions of current and future occupiers.

Conclusion

14. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR