

Report to the Planning Committee

11 January 2023

Subject:	Decisions of the Planning Inspectorate
Director:	Director – Regeneration and Growth Tony McGovern
Contact Officer:	John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk Alison Bishop Development Planning Manager Alison_bishop@sandwell.gov.uk

1 Recommendations

- 1.1 That Planning Committee notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

2 Reasons for Recommendations

- 2.1 This report is submitted to inform the Committee of the outcomes of appeals that have been made to the Planning Inspectorate by applicants who were unhappy with the Committee's decision on their application.

3 How does this deliver objectives of the Corporate Plan?

		We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.
		Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
		Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

4 Context and Key Issues

- 4.1 Applicants who disagree with the local authority's decision on their planning application may submit an appeal to the Planning Inspectorate. An appeal may also be made where the local authority has failed to determine the application within the statutory timeframe.
- 4.2 Appeals must be submitted within 3 months (householder proposals) six months (commercial developments) of the date of the local authority's decision notice.
- 4.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notice:-

Application Ref	Site Address	Inspectorate
DC/22/66837	102 Apsley Road Oldbury B68 0QU	Dismissed

5 Alternative Options

5.1 There are no alternative options.

6 Implications

Resources:	There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.
Legal and Governance:	The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe
Risk:	There are no risks associated with this report.
Equality:	There are no equality implications associated with this report.
Health and Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

7. Appendices



Appeal Decision

Site visit made on 22 November 2022

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2022

Appeal Ref: APP/G4620/D/22/3302292

102 Apsley Road, Sandwell, Oldbury, West Midlands B68 0QU

- 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 Pavinder Rattu against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/66837, dated 14 March 2022, was refused by notice dated 1 June 2022.
 - The development proposed is a ground and first floor side extension, single storey rear and front extensions with new porch, hipped roof to gable roof, loft conversion with rear dormer windows, velux windows to front, single storey pitched roof across frontage, flat roof to single storey rear extension and fenestration alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property forms one half of a pair of semi-detached dwellings within a residential area. The pleasant character of Apsley Road is a result of the pairs of houses and their hipped roofs which can be seen sloping down from Kingsway. The general uniformity of the roofscape makes a positive contribution to the character and appearance of the area.
4. Most of the properties in the wider area are also hip roofed but interspersed with gable roofs and a greater variety of frontage design than Apsley Road. Some of the properties in the area have been altered and extended with various shaped and sized extensions. However, these changes, in the main, have not substantially altered the character or appearance of the area and it is still possible to identify the houses as being from the same period and to appreciate the character of the area which has not been eroded or changed beyond recognition. The lack of a Conservation Area designation does not reduce the importance of the character of an area, nor does it alter the aims of the local plan in seeking to protect the area.
5. I accept that the proposal would use matching materials to the existing dwelling and not increase the overall height of the roof. Nevertheless, the appeal proposal would result in a gable roof which would be visible from Apsley Road and noticeably unsymmetrical and unbalanced with the hipped roof

- extension completed at No 100. The hipped roofs currently contribute positively to the area and the previously approved schemes complimented each other and preserved the symmetry of the block. Whereas the appeal proposal would substantially alter the appearance of one half of the pair of semi-detached houses resulting in harm to the appearance of the pair of houses and the character of the area.
6. The appellant has noted the hip to gable roof alterations approved at 139 and 141 Apsley Road which, I noted from my site visit, is partially under construction. However, it is apparent from the appellant's submission that the approval at No 141 is to mirror, and re-instate symmetry with, the scheme approved at No 139 as this is currently an unbalanced pair with only No 139 extended to date. In any event, the hip to gable extension at No 139 does not make a positive contribution to the character of the area and therefore does not justify further harm to the character and appearance of the area.
 7. The appellant has referenced other hip to gable roof alterations, at 11 Monckton and 48 and 145 Kingsway, which were all carried out under permitted development rights and were therefore not approved by the Council. Permitted development alterations do not need to comply with adopted policy and may include alterations which Councils would not support through the planning application process. However, permitted development alterations do not set a precedent for consideration of proposals which require assessment against policy. The existing hip to gable alterations in the immediate area, where it is only one of a pair, highlight that this change unbalances the pairs of houses detrimental to the character of the area.
 8. Several other examples of hip to gable alterations, in the wider Sandwell region, are also listed within the appellant's statement. There is no evidence before me that these are in the same context as the appeal proposal, or whether these were permitted development alterations or assessed under the Council's adopted development plan. The character of the area immediately around the appeal property is different further along Apsley Road, in Monckton Road and along Kingsway due to the different designs of the frontages. The other examples are some distance away from the appeal property and are therefore not determinative in this decision. Other two-storey flat roof extensions are also noted, but these are materially different in design to the appeal proposal and do not have the same impact as the hip to gable alteration. Therefore, I cannot draw any direct comparison between these examples and the appeal proposal that would weigh in its favour.
 9. I therefore find the appeal proposal would have a harmful effect on the character and appearance of the area. The proposal would be contrary to Policy ENV3 of The Black Country Core Strategy 2011 and Policy EOS9 of The Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document 2012, which both seek to deliver high quality design and promote the characteristics of an area.
 10. Furthermore, the proposal would not comply with the Sandwell Metropolitan Borough Council Revised Residential Design Guide Supplementary Planning Document 2014 (SPD), which supports the above policies, nor the National Planning Policy Framework. The SPD advises that the roof appearance and size should respect established design codes. It also reflects Policy EOS9 in terms of resisting poor design for residential extensions.

Other Matters

11. The wider benefits of homeowners extending and altering their homes is not quantified and, even if I were to accept that there was a benefit, this does not outweigh the harm identified above.

Conclusion

12. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR