

Report to the Planning Committee

10 May 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
PD/22/02045	129 Charlemont Road West Bromwich B71 3EH	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



Appeal Decision

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/G4620/D/22/3296885

129 Charlemont Road, West Bromwich, West Midlands B71 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Sundeep Singh against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref PD/22/02045, dated 8 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is described as an amendment and re-submission of a previously submitted prior approval application which was refused by LPA and dismissed at appeal.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).
3. Development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval. The local planning authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
4. The provisions of the GPDO require the local planning authority to assess the development proposed based solely on a number of considerations. These include the external appearance of the dwellinghouse. The council describe the proposal in its decision notice as a "proposed first floor storey extension (Class AA application) (subsequent to refused application PD/21/01708)". The Council raised concerns in respect of the effect of the development upon the visual amenity of the area and in determining the application, refused prior approval on grounds relating to matters at paragraph AA.2.(3)(a)(ii).

5. Notwithstanding that the introduction of Class AA was, in part, to give freedom to householders to extend properties, recent case law¹ has confirmed that, for Class AA proposals, the control of the external appearance of the dwelling is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.
6. It has not been necessary to visit the site for this appeal as the site had been visited for the previous appeal. Both parties were contacted regarding this matter and given the opportunity to comment on the appropriateness of the proposed approach. No comments were received.

Main Issue

7. This is whether prior approval should be granted having regard to the resulting external appearance of the dwellinghouse on the surrounding area.

Reasons

8. The appeal site is a detached brick built bungalow with a staggered form, located in a predominantly residential area. It has a wide open frontage and is situated opposite a road junction in a visually prominent position. It is a slight anomaly within the area as it is an older property surrounded by more recent higher density development, such as two-storey terraced properties and three eight-storey tower blocks within the opposite street.
9. The property has been extended to the rear and side at ground floor level. One section of the bungalow has been extended into the roof space with a hip-to-gable and flat roof rear dormer which covers the entire width of that section of the roof. The appeal scheme seeks to create an additional storey to provide residential accommodation at first floor level on the part of the building that does not contain the loft conversion.
10. The proposal would measure 7.18m in width and 5.77m in depth and would create space for an additional bedroom, bathroom and landing area. The appellant provides that the ridge height would be raised by 950mm, and this is shown on the plans to be level with the converted loft space and rear box dormer, although the ridgeline running perpendicular is shown on some plans to be slightly higher. The external walls and roof would be constructed using similar materials to the existing property, brick and render.
11. The existing property has been extended significantly and reference to its original form remains solely in the front elevation of the section to which the appeal relates. While the property does appear unbalanced following recent works, raising the roof and eaves as proposed would appear awkward next to the adjoining enlarged section of the property. This is particularly so because it would expose a mass of blank brick work above the existing openings. Being the principal elevation, with extended open views towards the property, the frontage would appear out of proportion and visually distorted.
12. Furthermore, this would be more pronounced due to the design of the adjoining section where the eaves extend to just above the top of the windows and door. There are acute design differences between the way the property has been altered and extended, and the appeal proposal before me. The addition, as proposed, would result in a visually discordant building, and its effect in terms

¹ *CAB Housing Ltd v SSLUHC and Broxbourne BC* [2023] EWCA Civ 194

of the building's intrinsic design and relationship with its surroundings would be compromised.

13. Overall, I consider that the proposal would not compliment the appeal property and would result in an incoherent build which would be visually displeasing within its surroundings. In this respect, the proposal would be contrary to the requirements of paragraph AA.2(3)(a)(ii) of Class AA of Part 1, Schedule 2 of the GPDO.

Conclusion

14. For the above reason, and taking account of all other matters raised, prior approval is refused and the appeal is dismissed.

S A Hanson

INSPECTOR