

Report to the Planning Committee

29 November 2023

Subject:	Decisions of the Planning Inspectorate
Director:	Director – Regeneration and Growth Tony McGovern
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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/23/68081	85 Walsall Road West Bromwich B71 3HH	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 2 October 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.10.2023

Appeal Ref: APP/G4620/D/23/3325841

85 Walsall Road, West Bromwich, Sandwell B71 3HH

- 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 & Mrs Harminder Bhathal against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/23/68081, dated 10 March 2023, was refused by notice dated 5 June 2023.
 - The development proposed is a 2 storey side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In response to a query, the appellant confirmed that the plans on which the Council based its decision were inconsistent with each other. This was mainly because the roof over the side/rear extension would need to be higher than shown on the submitted side elevation drawing. A corrected plan (No ANS/343/1A) has now been submitted. The Council does not object to its consideration as part of the appeal process, stating only that the new plan exacerbates its objection. Having regard to the status of this new plan as a correction rather than as an amendment, to the objections received and to the conclusions I reach in this decision, I find no prejudice or procedural unfairness from my consideration of the new plan as part of the appeal proposal¹.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the house and the local area.

Reasons

4. 85 Walsall Road is an end of terrace house in a suburban residential area, on a corner plot at the junction of Walsall Road and Lyndhurst Road. The proposal is to build a mainly 2 storey extension to the Lyndhurst Road side of the house, wrapping around to the rear. The corrected plans confirm that the 2 storey

¹ With reference to the substantive and procedural tests set out in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823.

section would be at about the same height as the existing roof, with a small strip of flat roof at the top.

5. The extension would create a long, bulky, almost blank section of 2 storey high wall sitting at the back of the footway on Lyndhurst Road. This would be an overly dominant and unsympathetic feature, sitting well forward of other houses on that street. It would become the most prominent structure in Lyndhurst Road, harming the openness of that street and intruding onto the smaller scale, more modest character and more finely detailed design of the other houses. I did not see any other similar developments and note that the house on the opposite corner remains well back from Lyndhurst Road.
6. The appellant refers to a 2017 planning permission for a similar but somewhat smaller scale extension. It appears that that permission has lapsed and therefore does not form a fall-back position for this appeal. As clarified by the corrected plan, the current proposal's visual impact would be significantly greater in any case due to the increased roof height compared to the previously approved scheme.
7. I conclude that the proposal would unacceptably harm the character and appearance of the house and the local area. It conflicts with the design aspects of Black Country Core Strategy policy ENV3 and Site Allocations and Delivery Development Plan Document policy SAD EOS9, which seek to ensure high quality design that pays particular attention to the way that development relates to the street.
8. I have considered all other points raised, including the objections of neighbours and the Highway Authority. I find nothing which overcomes or adds significantly to my concerns about the proposal. For the reasons set out above I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR