

Report to the Planning Committee

8 January 2025

Subject:	Decisions of the Planning Inspectorate
Contact Officer:	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 Council Plan?

Growing Up in Sandwell	<p>A great place for Children to grow up and to ensure a brighter future for children and young people.</p> <p>Children and young people in Sandwell are able to grow up in a safe, stable loving home.</p> <p>All children and young people have the same opportunities to achieve their full potential and are supported by adults, including parents and carers, to establish high aspirations.</p>
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<p>Living in Sandwell</p>	<p>Improving the local environment with a focus on cleanliness, ensuring that the community takes pride in its surroundings.</p> <p>Safe and affordable homes.</p> <p>Quality green spaces.</p>
<p>Thriving Economy in Sandwell</p>	<p>The Sandwell Local Plan serves as the blueprint for future development, guiding housing and employment growth while ensuring new infrastructure investments like transport and schools.</p> <p>Good homes that are well connected.</p> <p>Encourage a positive environment where businesses and our community and voluntary organisations are supported to grow; and investment into the borough is maximised, creating job opportunities for local residents.</p>
<p>Healthy in Sandwell</p>	<p>Commitment to fostering a community where every resident has the opportunity to lead a healthy and fulfilling life.</p> <p>Peoples needs for care and support are reduced or prevented through early intervention and prevention programmes.</p> <p>Carers feel supported in carrying out their caring role.</p> <p>Residents are protected from harms to their health and wellbeing.</p>
<p>One Council One Team</p>	<p>Sandwell Council's ethos of 'One Council One Team' reflects a commitment to unity and Collaboration, striving for excellence in serving the community.</p> <p>An outstanding corporate parent, with all of the young people in our care reaching their full potential.</p> <p>All of our residents, including our children and young people, are active participants in influencing change – through being listened to, their opinions are heard and valued.</p>

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/23/68650	7 Standbridge Way Tipton DY4 8TS	Dismissed
DC/24/69327	18 Hickman's Avenue Cradley Heath B64 5ND	Dismissed
DC/24/69408	110 Princess Road Oldbury B68 9PW	Allowed
DC/24/69590	2 Kinsey Road Smethwick B66 4SN	Dismissed

DC/24/69386	41 Moore Crescent Oldbury B68 9QP	Allowed
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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.

Corporate parenting	None
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7. Appendices

APP/G4620/D/24/3338069

APP/G4620/D/24/3351719

APP/G4620/D/24/3353254

APP/G4620/D/24/3351968

APP/G4620/D/24/3352694



Appeal Decision

Site visit made on 2 August 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/G4620/D/24/3338069

7 Standbridge Way, Tipton, Sandwell, DY4 8TS

- 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 Mrs Harjinder Johal against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/23/68650.
 - The development proposed is amendments to approved application ref DC/23/68253 to remove indentation from rear extension to both ground floor and upper floor proposals. Demolition of existing conservatory to form 2 storey rear extension. Double storey extension to form loft rooms with roof lights. Single storey front extension to form porch and extended study. Single storey extension to extend existing bay window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development refers to a previously approved application.
3. The previously approved application includes a rear extension that does not project across the whole width of the rear of the appeal dwelling, whereas the proposal the subject of this appeal does. In this regard, the appellant states that the proposal the subject of this appeal seeks to "infill an indentation to the rear extension."

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 5 Standbridge Way, with regards to outlook.

Reasons

5. The appeal property is a brick-built two storey detached dwelling. The dwelling is set back from the road behind a parking area and has a paved garden area to the rear.
 6. The appeal property is located in a residential area characterised by the presence of mostly two storey detached and semi-detached dwellings. Dwellings are set back from the road behind gardens and/or parking areas and have gardens to the rear.
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7. During my site visit, I noted that detached dwellings and pairs of dwellings are sited close to one another such that gaps between dwellings are very narrow. One consequence of this is that dwellings are built very closely to shared boundaries.
8. I also observed during my site visit that the appeal dwelling is sited further back from the road than its neighbour, Number 5 Standbridge Way. This results in the appeal dwelling's rear elevation being sited further back than that of No 5.
9. The proposed development would extend the appeal dwelling across the full width of its rear elevation at both ground and first storey height. This would result in an extension that would project well beyond No 5's rear elevation. I find that the height of the proposed two storey element and its immediate proximity to the shared rear boundary would combine to the effect that the proposal would appear to "loom" above the rear outlook from No 5 to an overbearing degree.
10. The harm arising from this would be exacerbated by the proposed depth of the ground floor rear extension. This would project considerably further than the two storey element and would do so at such a height and within such immediate proximity of the shared rear boundary that it would unduly dominate the outlook from the rear of No 5, as well as that from the area of No 5's rear garden closest to the appeal property.
11. Taking all of this into account, I find that the proposal would harm the living conditions of the occupiers of Number 5 Standbridge Way with regards to outlook, contrary to the National Planning Policy Framework; to Black Country Core Strategy (2011) Policy ENV3; and to the Sandwell Site Allocations and Delivery Development Plan Document (2012) Policy EOS9, which together amongst other things, seek to protect residential amenity.

Other Matters

12. In support of her case, the appellant states that the proposal will enhance security. Whilst this may be the case, there is nothing before me to demonstrate that the development proposed is the only possible way of achieving this.
13. Notwithstanding this and in any case, I have found that the proposal will result in harm to residential amenity and this is not a matter that is outweighed by any benefits, perceived or actual, in respect of security.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR



Appeal Decision

Site visit made on 6 December 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/G4620/D/24/3351719

18 Hickman's Avenue, Cradley Heath, West Midlands, B64 5ND

- 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 Sabir Sattar against the decision of Sandwell Metropolitan Borough Council.
- The application reference is DC/24/69327.
- The development proposed is two storey front/side and single storey rear extensions, raising of roof height, hip to gable roof extension, loft conversion, front/rear dormer windows (revision to approved planning permission DC/23/68851).

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal in terms of over-intensification and the visual quality of the street scene.

Reasons

4. The appeal site is a two-storey detached dwelling standing within a residential area. The Council's description of the development, and the submitted planning history, note the proposal is a revision to approved planning permission DC/23/68851, however, no details of the existing planning permission have been provided. DC/23/68851 is simply described in the planning history as a proposed two storey side and rear and single storey front/side/rear extensions. The proposal which is the subject of this appeal is as described above within this decision letter insofar as it seeks permission for multiple extensions as well as extensions and alterations to the roof.
5. At the time of my site visit I found that the appeal site is visually prominent within Hickman's Avenue due to its siting. The host dwelling is sited forward of the building line of the adjacent row of terraced bungalows, to the northwest, meaning that within Hickman's Avenue itself the entire western side elevation of the host dwelling (noted on the existing elevation plans as the left side elevation) is visible. The positioning also allows views through the site between the adjacent bungalows and the host dwelling's rear elevation itself. Furthermore, at the time of my site visit, I walked around the back of the adjacent bungalows to the open space located to the north and note that views

of the host dwelling, the rear/of the roof, are available above the bungalows from within the public domain. The appeal site is located behind the building line of the adjacent, two storey, terraced row to the southwest which reduces the prominence of the appeal site on approach from the junction with Highland Road but as outlined I find the site is essentially prominently located within views from within the street scene and surrounding open space.

6. It is evident, from the planning history (albeit no full information has been provided as outlined) that the principle of extensions to the dwelling is acceptable, within reason, but it is a commonly accepted principle that extensions should be subservient to a host dwelling. The guidance within Supplementary Planning Document Revised Residential Design Guide 2014 seeks to resist poor quality domestic extensions which require planning consent that do not fit in visually or are clearly out of keeping with their surroundings by virtue of their scale and architectural design. The over intensification of individual dwellings where it is proposed to extend them to a scale that is considered unreasonable will also be resisted and extensions must be in proportion to the scale of the existing dwelling and street scene.
7. In this case, the raising of the roof height, hipped to gable roof extension and front/rear dormer windows would, cumulatively, result in significant alteration which I find would be visually incongruous in a highly visible location within the street scene and from surrounding, publicly accessible, land. The alterations at roof level would then be combined with front, side and rear extensions which would cumulatively leave the host dwelling illegible as a result of cumulative extensions which would fail to be subservient to the host dwelling. The cumulative proposals I would consider to be unreasonable and not in proportion to the scale of the existing dwelling. I do not find that the design, in isolation, could fairly be said to be poor but I do find that the design does fail to respect the existing proportions, character and appearance of the host dwelling as well as failing to consider its visual prominence within the context of the street scene as outlined above.
8. The planning system is acknowledged to seek to make efficient use of land, however, this should not be at the expense of design which would in this case result in over intensification and a detrimental impact of the visual amenity of the street scene as a result of the alterations – particularly at roof level. I note the appellant's comments with regard to the proposals blending with the existing architectural character of the area, however, I do not find, from my site visit, that the proposals within this appeal would be compatible with the character of surrounding dwellings within which it would be viewed.
9. Whilst it is stated that the project includes landscaping and aesthetic enhancements that would contribute positively to the street scene, other than drawings of the existing proposed dwelling itself, there is limited information as to landscaping but in this case, I do not find that landscaping would sufficiently enhance or mitigate the visual impact and inappropriateness of the cumulative proposals as set out even if secured by condition attached to any consent.
10. I acknowledge the appellant's willingness to engage in further discussions and make adjustments, however, this is unfortunately not possible within an appeal process. The appellant makes reference, within their statement of case, to four other sites stated to be examples of development which the appellant states are comparable to the appeal proposal. These include 19 Barrs Road, 45

Halesowen Road, 8 Mousesweet Lane, and 51 Bowling Green Road. Images of the sites in question have been provided, however, other than planning references for the first two sites, no further information has been provided which, in turn, limits my ability to assess any similarities or attribute weight to those decisions within the consideration of this appeal. Furthermore, I have no example or reference as to how the dwellings noted looked prior to said extensions. Each case should be considered on its own merits and, whilst consistency is key to maintaining confidence in the planning system, from the images provided, I do not find that the example sites stated are in a comparable setting to the appeal site nor that the other sites have been subjected to cumulative extensions and alterations at the level proposed within this appeal.

11. Overall, I find that the proposal would be contrary to the prominent characteristics, and prevailing built form, of the surrounding residential area. Cumulatively, the proposals would result in over intensification which would fail to respect the host dwelling resulting in the host dwelling being visually illegible as a result of over intensification. The appeal site is in a prominent location, widely visible within the immediate area, and the proposals would negatively impact upon the visual amenity of the street scene.
12. The proposal would be contrary to Policy ENV3 of the Black Country Core Strategy 2011 which seeks to deliver high quality design and Policy EOS9 of the Site Allocations and Delivery Development Plan Document 2012 which outlines that particular regard will be paid to how the development relates to the street, its relationship with the public realm and the nature and height of any buildings and their effect of the surrounding urban area. The policy also seeks to reject poor designs, particularly those that are inappropriate in the locality, for example, those clearly out of scale or incompatible with their surroundings.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR



Appeal Decision

Site visit made on 6 December 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/G4620/D/24/3353254

110 Princess Road, Sandwell, Oldbury, B68 9PW

- 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 Mrs Susan Walters against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/24/69408.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of a single storey rear extension at 110 Princess Road, Sandwell, Oldbury, B68 9PW Ref: DC/24/69408 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (unique reference vlf//1107930/1491087) and existing and proposed plans dated 04.06.24);
 - 3) The materials utilised within the development hereby permitted shall match those utilised within the existing dwelling. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal upon neighbour residential amenity with regard to light, outlook and overshadowing.

Reasons

4. The appeal site is a two storey, mid terraced, residential dwelling which currently benefits from a mono-pitch single storey rear extension. The proposal before me seeks permission for a single storey rear extension that would effectively extend the existing rear extension from in the region of 3.3 metres to 3.9 metres in width. The length of the rear extension would remain as existing in the region of 4.72 metres. The height would essentially remain

as existing before reducing towards the northern boundary line as a result of continuation of the existing roof pitch. The appellant outlines that the appeal site is ex-Council house with a rear extension which was constructed at the point the property was Council owned.

5. The Council's single refusal reason relates to neighbouring residential amenity insofar as it asserts that the proposed length and width of the single storey extension would exceed the 45-degree code to an extent that would an appreciable loss of light, outlook and the effect of overshadowing to a neighbouring property. The Council's assessment of the proposal is, to say the least, limited in detail as to a consideration of the actual impact of the proposals in relation to the site context and the presence of the existing rear extension. The assessment appears to largely rely upon a on breach of the 45-degree line as a refusal reason in relation to neighbouring amenity.
6. Whilst the proposal may be in breach of the 45-degree rule, I do not find that breach of this guidance should automatically result in refusal - it turns to consider actual impact on a site-by-site basis, albeit it is a useful starting point for assessment. The increase in width the existing single storey extension would be in the region of 0.6 metres, and I find that the increase in built form as a result of the proposals would not lead to a material loss of light or outlook to the adjacent property to the north of the appeal site. The increase of 0.6m would be at a lower height than the existing extension as, as previously noted, a result of continuing the existing roof pitch.
7. The extension, essentially, already exists and the increased width at a lower height towards the shared boundary would not result in additional impact on light or overshadowing or tunnelling, sufficient, to warrant refusal. In the case before me, whilst the proposal would narrow the gap between the extension and the site boundary, I do not find that the proposal would result in significant or adverse impact sufficient to warrant refusal even with a breach of the 45-degree rule given the presence of an existing extension of the same length, the proposed height and taking into account the adjacent boundary fencing.
8. The proposal would be consistent with Black Country Core Strategy 2011 Policy ENV3 which seeks to ensure provision of high-quality buildings and Site Allocations and Delivery Development Plan Document 2012 Policy EOS9 which seeks to avoid proposals that are clearly out of scale with or incompatible with their surroundings. The proposal would also be consistent with the revised Residential Design Guide Supplementary Planning Document 2014 which seeks, as an overarching objective, to avoid poor quality domestic extensions that do not fit in visually or are clearly out of keeping with their surroundings and to avoid unacceptable impact on neighbouring properties.

Conditions

9. The Council have, within their questionnaire, suggested three conditions which I have considered and applied as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish in accordance with the details submitted – to match the host dwelling.

10. I note that, within the appellant's statement, an offer has been made to obscurely glaze the side window if overlooking is a concern. The Council's reason for refusal, and delegated report, does not raise any concern with regard to overlooking and based upon this and my site visit I have no reason to conclude differently. Taking into account the boundary treatment I do not find it is reasonable or required in this case to add obscure glazing to the side window as I find it is unlikely there is opportunity for overlooking of a nature which would warrant refusal.

Conclusion

11. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR



Appeal Decision

Site visit made on 6 December 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/G4620/D/24/3351968

2 Kinsey Road, Smethwick, B66 4SN

- 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 Haroon Ahmed against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/24/69590.
 - The development proposed is conservatory to side of property (Revision to refused planning permission DC/24/69085).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development. I have also utilised the site address, and postcode, set out within the Council's decision notice/appellant's appeal form as the site address in the original application form itself (section 4) appears to be incorrect.
3. The National Planning Policy Framework was revised on 12 December 2024; however, the key changes are not considered to impact upon the determination of this appeal in relation to the main issues noted below.

Main Issue

4. The main issue is the impact of the proposal upon private amenity space and the visual amenity of the street scene.

Reasons

5. The appeal site is a two storey, attached, residential dwelling located on a corner plot within Kinsey Road. The proposal seeks to add a conservatory to the side of the property, and I note, from my site visit and the planning history noted within the Council's delegated report, that the host dwelling appears to have already been extended most notably via a two-storey side extension which was granted under planning permission DC/20/64022 in May 2020. The approved, and built, side extension does, however, leave sufficient private outdoor amenity space to the side and front of the dwelling for the benefit of occupiers. The proposed conservatory would be attached to this extension.
6. The proposal that is before me would measure in the region of 4.5 metres in length and 6.32 metres in width with an overall height of 2.9 metres. As can be seen, from the submitted proposed site location/block plans the proposal,

denoted by the black rectangle, would extend into the remaining amenity space/garden which I find would significantly reduce the garden amenity space to an unacceptable level. The proposal would result in a significant majority of the appeal site being covered by built form with significant loss of private amenity space. As a result of this I consider the proposal to be over development and over intensification of the appeal site as well as unacceptable in terms of residential amenity for occupiers of the host dwelling.

7. The application form states that the proposal would, in terms of materials, utilise brick, tiles and UPVC to match the host dwelling which would ensure that the materials are consistent with the remainder of the appeal site, however, the proposal would result in a flat roof, largely glazed, conservatory which I do not find would complement the street scene. The proposal would appear as out of character when viewed from within the immediate vicinity. Views of the proposal would still be available of the top of the proposal which would be consistent with the eave height of the existing side extension where it would join the existing kitchen. In this case I therefore find that the proposal would both be inconsistent with the character and the appearance of the host dwelling and the immediate locality. The proposal would have a significant detrimental impact on the street scene and result in over intensification of the appeal site which is sufficient to warrant refusal.
8. I note that the appellant outlines planning approval which is stated to have been granted at 12 Barratt Street as well as having included the plans from that proposal (drawing number P/20/11/7). Whilst I do not have a copy of the decision notice itself, for that site, the plans provided are of limited comparison to the proposal that is before me. The proposal appears to be for a single storey rear extension and works to the boundary and, whilst this is a flat roof structure, it is a brick structure which I find to be more appropriately designed and in keeping with design in the locality. Furthermore, whilst site plans have not been provided, I would assume, that if this has been approved as stated, that this left sufficient garden space as a result of the proposals to be considered acceptable from the perspective of the amenity of occupiers of that site. Based upon the limited information before me I therefore find that the proposal at 12 Barratt Street is of limited similarity, or weight, to the proposals that are before me and each case should be considered on its own merits. In this case, I find the appeal proposal is inconsistent with general design within the locality and, most notably, would result in the vast majority of the plot being the subject of built form resulting in over intensification.
9. I note, and acknowledge, the comments made by the appellant as to the need for the space as well as their willingness to change layout or consider any changes required to accommodate the concerns. Whilst I attribute great weight to the need stated for the space, I do not find that, in this case, this outweighs the substantial harm I have identified to the locality nor would this overcome the fact that the appeal site, if this proposal were allowed, would essentially be left with no garden which would be unacceptable for the lifetime of the development.
10. The original dwelling has already benefitted from a two-storey side extension and, cumulatively, proposed extensions would be disproportionate to the host dwelling and unfortunately it is not the place for an appeal to consider changes to the proposal – I must consider the proposal as determined by the Council before me. I have considered, for example, whether a condition relating to

alternative materials could make the proposal acceptable, however, this would not change the scale of the proposals or overcome the impact of loss of garden/amenity space as outlined as a key issue.

11. The proposal would be contrary to Policy ENV3 of the Black Country Core Strategy 2011 which seeks to delivery high quality design and Policy EOS9 of the Site Allocations and Delivery Development Plan Document 2012 which outlines that particular regard will be paid to how the development relates to the street, its relationship with the public realm and the nature and height of any buildings and their effect on the surrounding urban area. The proposal also seeks to reject poor designs, particularly those that are inappropriate in the locality, for example, those clearly out of scale or incompatible with their surroundings.
12. The proposal would also be contrary to the Residential Design Guide Supplementary Planning Document 2014 which states, in relation to personalisation and domestic scale extensions, that extensions must be in proportion to the scale of the existing dwelling and street scene, the appearance and architectural detailing must respect established design codes and that the over intensification of individual dwellings where it is proposed to extend them to a scale that is considered unreasonable will be resisted.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR



Appeal Decision

Site visit made on 6 December 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2024

Appeal Ref: APP/G4620/D/24/3352694

41 Moore Crescent, Sandwell, Oldbury, B68 9QP

- 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 Intisham Khan against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/24/69386.
 - The development proposed is two storey side/rear and single storey front/rear extensions.
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Decision

1. The appeal is allowed, and planning permission is granted for proposed two storey side/rear and single storey front/rear extensions at 41 Moore Crescent, Sandwell, Oldbury, B68 9QP in accordance with application ref: DC/24/69386 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed site plan and OS Location (023-24-011) and proposed plans and elevations (023-24-02);
 - 3) The materials utilised within the development hereby permitted shall match those utilised within the existing dwelling. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find it describes the proposal more concisely than that stated within the application form.
3. The National Planning Policy Framework was revised on 12 December 2024; however, the key changes are not considered to impact upon the determination of this appeal in relation to the main issues noted below.

Main Issue

4. The main issue is the impact of the proposal on the semi-detached dwellings as a pair and the street scene.

Reasons

5. The appeal site is a semi-detached residential dwelling located within a residential area which is largely characterised, in terms of Moore Crescent

itself, by pairs of semi-detached dwellings. The appeal site is the last semi-detached property, on this side of the street, before the junction with Brookfield Road, however, I did not find the host dwelling to be overly prominent within its location largely due to views, from the west, being generally limited and views, from the east (the junction with Brookfield Road) being largely dominated by 42 Moore Crescent which stands at an angle, within a corner plot, to the appeal site in question.

6. The Council state that in accordance with design policy the two-storey side element should be set back from the existing front elevation and set down from the existing ridge height thereby being compliant with design policy. No specific mention is made, within the delegated report, as to which design policy the Council are referring to, but it is assumed that this is the revised Residential Design Guide Supplementary Planning Document 2014 (SPD) that is referenced within the stated refusal reason.
7. The SPD, in relation to personalisation and domestic scale extensions, requires that extensions must be in proportion to the scale of the existing dwelling and street scene, the appearance and size of roof designs, windows, doors and architectural detailing must respect established design codes and that the over intensification of individual dwellings where it is proposed to extend them to a scale that is considered unreasonable will be resisted.
8. I note correspondence, between case officers and the appellant, during the application process as summarised by the appellant. The SPD is, ultimately, guidance which seeks to deliver the overarching objective of extensions being in proportion to the scale of the existing dwelling and the street scene. Despite this the SPD does not appear to make specific reference to a requirement for setback from the existing front elevation, at a defined depth, nor set down from the existing ridge height albeit it is acknowledged that this is often a commonly accepted approach to demonstrate subservience of any extensions to the host dwelling itself.
9. The massing of the front extension would not extend across the entire frontage and, whilst the first-floor element would be flush with the principal elevation I do not find that the massing and scale of the proposals would be over-intensive as a result of a lack of a setback. In this case I find that the notable set down from the existing ridge height is sufficient for the side extension to read as a subservient extension leaving the original pair of semi-detached dwellings fully legible within views available within the street scene. Overall, I do not find that the two-storey massing would have a detrimental impact on the street scene nor upset the symmetrical relationship currently shared to a degree that would be sufficient to warrant refusal in this case.
10. I also note, that as part of the proposals, a two-storey rear extension is also proposed but the Council's delegated report, and the refusal reason, does not raise any issue with this element with the refusal reason being largely based upon detrimental impact on the street scene. The proposed extensions would be not insignificant, but I do not find that the massing and scale of the extension, caused by the two-storey side extension not being set back, would be over intensive. The proposals would, ultimately, leave the host dwelling legible in its own right as well as in the context of the pair of semi-detached dwellings and has taken clear design cues from the host dwelling and

surrounding areas with regard to the appearance and size of roof designs, windows, doors, and architectural detailing.

11. The proposal would be consistent with Policy ENV3 of the Black Country Core Strategy 2011 which seeks to delivery high quality design and Policy EOS9 of the Site Allocations and Delivery Development Plan Document 2012 which outlines that particular regard will be paid to how the development relates to the street, it relationship with the public realm and the nature and height of any buildings and their effect on the surrounding urban area. I do not find that the proposal is inappropriate within the locality nor that it is out of scale or incompatible with its surroundings.

Conditions

12. The Council have, within their questionnaire, suggested three conditions which I have considered and applied as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish in accordance with the details submitted – the match the host dwelling.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR