

---

## Appeal Decisions

Site visit made on 4 November 2025 by T Morris BA (Hons) MSc

### Decision by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

---

#### Appeal A Ref: APP/G4620/D/25/3372475

##### 32 Manorford Avenue, West Bromwich, Sandwell B71 3QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Daljinder Shergill against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref is PD/25/02994.
  - The development proposed is a kitchen extension.
- 

#### Appeal B Ref: APP/G4620/D/25/3372476

##### 32 Manorford Avenue, West Bromwich, Sandwell B71 3QJ

- 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 Mr Daljinder Shergill against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref is DC/25/70802.
  - The development proposed is a single and two storey side/rear extension.
- 

### Decision

1. Both appeals are dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeals.

### Preliminary Matters

3. In relation to Appeal A, under Article 3(1) and Schedule 2, Part 1, Class A 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 subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

5. Paragraph A.4(7) to Part 1 provides that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of adjoining premises. Moreover, paragraph A.4 (9) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
6. In relation to Appeal B, the description of development within the banner heading above is taken from the appeal form and the decision notice, rather than the application form. Although I have no confirmation that the change to the description was agreed, the revised description is a more accurate reflection of the proposal than that provided on the application form.

### **Main Issues**

7. The main issue for Appeal A is whether the proposed development would comply with the permitted development requirements set by Article 3, Schedule 2, Part 1, Class A of the GPDO, with specific regard to the impact of the proposed development on the amenity of adjoining premises, with particular regards to outlook and light.
8. The main issue for Appeal B is the effect of the proposed development on the living conditions of occupiers of 34 Manorford Avenue (No 34), with regards to outlook and light.

### **Reasons for the Recommendation**

#### *Appeal A*

9. The appeal property comprises a semi-detached dwellinghouse which features a single storey rear conservatory, located in a residential area. 30 Manorford Avenue (No 30) is the adjoining semi-detached dwelling. Contrary to the appellant's statement of case, No 30 does not have a rear conservatory. Instead, it has a patio door close to the side boundary with the appeal property which serves a dining area. The side boundary between the properties is formed of a wooden fence which is of a typical height for a boundary fence between rear gardens.
10. On the other side of the appeal property, 34 Manorford Avenue (No 34) is a similar semi-detached dwelling. The two-storey side elevations of both the appeal property and No 34 are set in from the boundary between the properties. No 34 contains a kitchen window on the ground floor side elevation facing towards the appeal property, as well as a smaller kitchen window and a door on its rear elevation. It also features two windows on the first-floor side elevation facing the appeal property, albeit these appear to be obscurely glazed.
11. The proposal is for a single storey kitchen extension off the rear elevation of the dwelling. The block plan indicates that this would replace the existing conservatory. According to the application form, it would extend 6 metres from the rear wall of the original dwelling, have a maximum height of 3 metres and a height to the eaves of 2.5 metres. On the basis that the extension would be constructed in these dimensions, it would fall within permitted development rights if it would comply with the other restrictions and limitations which are set out in the GPDO.

12. However, due to the considerable depth of the extension together with its close proximity to the side boundary with No 30, it would have an unacceptable enclosing effect when experienced from the patio doors of the neighbouring property. Even accounting for the eaves height and the sloped roof of the extension, and the presence of an existing conservatory at No 32, it would nonetheless be a dominant structure visible above the fence line between the properties. Furthermore, as it would be substantially larger in scale than the existing conservatory at the appeal property, it would be more overbearing compared to the existing situation. Consequently, the proposal would have a harmful effect on outlook when experienced by occupiers of No 30.
13. With regards to the effect on sunlight and daylight at No 30, the shadow study provided indicates that the proposal would not significantly overshadow the neighbouring property. Even so, the study seems to relate to direct sunlight and subsequent shadows rather than ambient daylight more generally. In that regard, given the depth and height of the extension and its close proximity to the patio door of No 30, it would be reasonable to conclude that the provision of ambient daylight available in the dining area would be restricted.
14. Given that the extension would be set in from the side boundary to No 34, it would not have the same dominating and enclosing effect when experienced from the ground floor kitchen windows of that neighbouring property. Accordingly, the proposal would not result in unacceptable harm in terms of outlook and light to occupiers of No 34. Nevertheless, this does not overcome my concerns with regards to the effect of the proposal on occupiers of No 30.
15. For the reasons given above, I conclude that the proposed development would have a harmful effect on the amenity of adjoining premises, specifically, occupiers of No 30, with particular regard to outlook and light. Therefore, the proposal would not satisfy the requirements of Schedule 2, Part 1 of Class A of the GPDO, and is therefore not development permitted by it.

### *Appeal B*

16. The proposed two-storey side and rear extension would be sited close to the boundary with No 34. As a consequence of its substantial depth and mass, it would appear as a dominant, oppressive and enclosing structure from the side kitchen window of the neighbouring property. Although No 34 also has a rear facing kitchen window and door, this would not be sufficient to offset the harm, as the side facing window is wider and therefore provides a good provision of outlook. The proposal would therefore have a harmful effect on the living conditions for occupiers of No 34, with regard to outlook.
17. I have no detailed evidence before me in terms of the effect of the proposal on sunlight and daylight to No 34. The location plan demonstrates that the extension would be north of the neighbouring property, thus likely reducing its effects particularly in relation to direct sunlight and overshadowing. Natural light would also be able to enter the kitchen of No 34 through openings in more than one elevation. However, given the notable scale and bulk of the extension and its closeness in particular to the ground floor side facing kitchen window at No 34, it would likely reduce the provision of ambient daylight available to the kitchen, thus harming the living conditions of the occupiers of No 34 with regard to light.

18. I therefore conclude that the proposal would be harmful to the living conditions of occupiers of No 34, in terms of outlook and light. It would conflict with Policy SAD EOS 9 of the Site Allocations and Delivery Development Plan Document (2012), which requires that developments are appropriate in the locality and compatible with their surroundings. On this matter, the Council also cite conflict with Policy ENV3 of the Black Country Core Strategy (2011). However, as this policy is focussed on design quality, it is not determinative on this main issue. This, however, is a neutral factor which does not overcome the conflict with Policy SAD EOS 9.
19. The proposal would also be contrary to the guidance in the Council's Revised Residential Design Guide Supplementary Planning Document (2014), which amongst other matters, advises that extensions should not impact unduly on neighbouring properties.

### **Other Matters**

20. The proposal for the single and two-storey side/rear extension was amended to address concerns regarding neighbours' amenity during the application process. However, the amendments are insufficient to overcome the identified harm and the conflict with the development plan. The absence of harm to the character and appearance of the host dwelling and the surrounding area is a neutral factor which does not weigh in favour of the appeals. The appellant refers to their needs; however, I do not have any details of this and in any case, personal circumstances seldom outweigh general planning considerations. The appellant also refers to the National Planning Policy Framework (the Framework). However, the Framework is clear that developments should ensure a high standard of amenity for existing users. Consequently, these matters do not lead me to a different conclusion on the appeals overall.

### **Conclusion and Recommendation**

21. For the reasons given above and having had regard to all other matters raised, I recommend that both appeals should be dismissed.

*T Morris*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

22. I have considered all the submitted evidence and my representative's report and on that basis the appeals are dismissed.

*L C Hughes*

INSPECTOR