



Appeal Decision

Site visit made on 3 March 2026 by T Morris BA (Hons) MSc MRTPI

Decision by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Appeal Ref: 6003112

35 St Marks Road, Smethwick, Sandwell B67 6QF

- 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 Salmeen Yafai against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/25/70504.
 - The development proposed is double storey side and single storey rear extension.
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Decision

1. The appeal is 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 appeal.

Preliminary Matter

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises a two-storey side extension, a single storey front extension and a single storey rear extension. The Council dealt with the application on that basis, and I shall do the same for the appeal.

Main Issues

4. The main issues are the effect of the proposed two-storey side extension and the single storey front extension on:
 - i) the character and appearance of the host property and the surrounding area; and
 - ii) the living conditions of occupiers of 37 St Marks Road (no 37), in terms of outlook, daylight and sunlight.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises a semi-detached dwelling situated in a residential area. This side of St Marks Road is mostly characterised by pairs of semi-detached dwellings and some detached dwellings, including no 37 adjacent. Aside from some minor differences including front porches and side garages, the pairs appear well

balanced and symmetrical. Even though most of the dwellings have side garages, they are separated by regular gaps at the first floor which provide a pleasing rhythm and spaciousness in the street scene. The appeal property reflects these characteristics and thus contributes positively to the character and appearance of the area.

6. I have had regard to the advice in the Council's Revised Residential Design Guide Supplementary Planning Document (2014) (SPD). It advises that poor quality extensions that do not fit in visually or are clearly out of keeping with their surroundings will be resisted. The SPD also advises that extensions should not unduly impact on the street scene and that terracing effects should be avoided.
7. Although the proposed two-storey side extension would be setback from the proposed single-storey front extension, it would not be setback from the main front elevation of the host dwelling. In addition, the ridgeline and eaves level of the two-storey extension would continue at the same height as the host dwelling. Consequently, the two-storey side extension would not appear subservient to the host property, but would appear as a bulky and obtrusive addition. It would also erode the balance and symmetry of the pair to the detriment of the appearance of the street scene.
8. Furthermore, the site plans clearly show that the proposed two-storey side extension would be barely set in from the side boundary to no 37. As a result, the remaining gap between the dwellings would be so small that it would be barely perceptible in the street scene. Therefore, it would appear cramped in the plot and would erode the gap between the dwellings, resulting in a terracing effect which would undermine the rhythm and spaciousness of the street scene.
9. I acknowledge that most of the roof of the two-storey side extension would be hipped, that it would match the existing roof pitch and that it would use materials to match the host dwelling. Even so, these factors would not be sufficient to successfully assimilate the extension with the host dwelling and the locality. Accordingly, the two-storey side extension would be an incongruous addition, resulting in harm to the character and appearance of the host dwelling and the surrounding area, in conflict with the guidance in the SPD.
10. The appellant refers to similar extensions on St Marks Road, and I observed these on my site visit. However, these are in the minority, and I do not know the circumstances of those cases or the policies that applied at the time of their consideration. Furthermore, those I saw demonstrate the harm of obtrusive extensions in terms of character and appearance. Consequently, these examples do not justify a similar approach at the appeal site.
11. In design terms, as the proposed single storey front extension would have a pitched roof and facing brickwork, it would generally reflect the appearance of the host dwelling. Therefore, this element of the development would not be harmful to the character and appearance of the host dwelling and the surrounding area. However, this does not justify the harm which would result from the two-storey side extension.
12. For the above reasons, the proposal would be harmful to the character and appearance of the host dwelling and the surrounding area. As such, it would conflict with Policy ENV3 of the Black Country Core Strategy (2011) (BCCS) and Policy SAD EOS 9 of the Site Allocations and Delivery Development Plan

Document (2012) (DPD). Amongst other matters, these policies require that developments deliver high quality design which are appropriate in their locality.

13. For the same reasons, the proposal would conflict with the guidance in the SPD and the National Planning Policy Framework (the Framework), which collectively seek high quality design which is sympathetic to local character.

Living conditions

14. No 37 is a detached dwelling situated adjacent to the appeal property. It's front elevation is setback from the appeal property, and it is separated from it by a small gap between the properties. The nearest window on the ground floor front elevation of no 37 is a large bay window which is positioned close to the side boundary between the properties.
15. The proposed two-storey side extension would not be situated far forward of the bay window at no 37. Accordingly, it would not result in a significant adverse impact on the provision of outlook, daylight and sunlight when experienced by occupiers of the room which the bay window serves.
16. In contrast, the proposed single storey front extension would project further forward of the bay window at no 37. The main parties disagree over where a 45-degree line should be measured from the bay window of no 37, either the midpoint or quarter point of the window. However, I have not been provided with any technical details of the 45-degree line and any conformation by way of a particular policy or guidance as to how it should be applied in this scenario.
17. From my own observations on my site visit, regardless of where the 45-degree line is measured from, the single storey front extension would project far forward of the bay window. The extension would also be close to the bay window due to its proximity to the boundary and the small gap between the properties. Consequently, the extension would have an overbearing effect on outlook when experienced by the occupiers of the room which the bay window serves. For the same reasons, it would also be very likely to reduce daylight to the room.
18. With regards to the effect of the single storey front extension on sunlight, the location plan indicates that the extension would be sited to the northeast of the bay window at no 37. Due to this orientation, it is unlikely to result in a significant reduction of direct sunlight to the room which the window serves. Nevertheless, this does not overcome the harm in terms of outlook and daylight.
19. I note the appellant's comments that the right of light is a civil matter, not a planning consideration. Even so, the effect of a proposal on outlook, daylight and sunlight is a relevant matter in terms of ensuring acceptable living conditions for occupiers of neighbouring properties and I have considered the matter accordingly and in accordance with the relevant development plan policies and SPD.
20. For the above reasons, the proposal would be harmful to the living conditions of occupiers of no 37, in terms of outlook and daylight. It would conflict with Policies ENV3 of the BCCS and SAD EOS 9 of the DPD, which amongst other matters, require that developments contribute to good place making, are appropriate in the locality and are compatible with their surroundings.

21. The proposal would also conflict with the SPD and Framework guidance, which advise that developments should not impact unduly on neighbouring properties and should provide a high standard of amenity for existing and future users.

Other Matters

22. I have carefully considered the appellant's personal circumstances, in terms of their desire to provide additional usable space based on their child's needs. I also acknowledge that they have considered alternative design proposals suggested by the Council, albeit I do not have detailed plans of such proposals. However, there is insufficient specific evidence to draw a clear conclusion that the appeal proposal is the only reasonable option available to meet the family's needs, or that their needs could not be addressed through a proposal which would not be harmful in terms of character and appearance and living conditions. Consequently, based on the evidence before me, I can only give the appellant's personal circumstances moderate weight in this instance.
23. Disability is a protected characteristic. As such, I have had due regard to the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010 in eliminating discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others. However, for the reasons set out above, there is limited evidence to suggest that the dismissal of the appeal would have a disproportionate effect on the personal circumstances identified by the appellant, when weighed against the planning harm.
24. I also recognised the appellant's frustrations in terms of what they perceive to be procedural unfairness and inconsistent advice from the Council, which has resulted in costs, as well as health issues for the appellant. However, although I understand that this is frustrating for the appellant, these are not reasons to allow the appeal.

Conclusion and Recommendation

25. The proposal would be contrary to the development plan as a whole, and there are no other considerations, including the appellant's personal circumstances, which would outweigh this conflict. I therefore recommend that the appeal is dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

C Shearing

INSPECTOR