


## Planning Committee

**9<sup>th</sup> September, 2020**

<b>Subject:</b>	Decisions of the Planning Inspectorate
<b>Director:</b>	Interim Director – Regeneration and Growth Tammy Stokes
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	<p>John Baker Service Manager - Development Planning and Building Consultancy <a href="mailto:John_baker@sandwell.gov.uk">John_baker@sandwell.gov.uk</a></p> <p>Alison Bishop Development Planning Manager <a href="mailto:Alison_bishop@sandwell.gov.uk">Alison_bishop@sandwell.gov.uk</a></p>

### DECISION RECOMMENDATIONS

<b>That Planning Committee:</b>	<p style="text-align: center;">Notes the decisions of the Planning Inspectorate as detailed in the attached appendices.</p>
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#### 1 **PURPOSE OF THE REPORT**

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.

#### 2 **IMPLICATIONS FOR SANDWELL’S VISION 2030**

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - 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.

### 3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 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.
- 3.2 Appeals must be submitted within six months of the date of the local authority's decision notice.
- 3.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notices:-

<b>Application Ref No.</b>	<b>Site Address</b>	<b>Inspectorate Decision</b>
DC/19/63418	57 Broadway Oldbury B68 9DP	Allowed
DC/20/63962	47 The Crescent Cradley Heath B64 7JS	Dismissed
DC/20/64002	24 Kendal Rise Oldbury B68 8ER	Dismissed

## **4 STRATEGIC RESOURCE IMPLICATIONS**

- 4.1 There are no direct implications in terms of the Council's strategic resources.
- 4.2 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.

## **5 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 5.1 The Planning Committee has delegated powers to determine planning applications within current Council policy.
- 5.2 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.

**Tammy Stokes**

**Interim Director – Regeneration and Growth**



## Appeal Decision

Site visit made on 7 July 2020 by S Watson BA(Hons) MSc

**Decision by Kenneth Stone BSc(Hons) DipTP MRTPI**

**An Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> August 2020**

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**Appeal Ref: APP/G4620/D/20/3244652**

**57 Broadway, Oldbury B68 9DP**

- 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 R Wade against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/19/63418, dated 12 August 2019, was refused by notice dated 28 October 2019.
  - The development is described as proposed single storey rear extension and 2 storey side extension.
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### Decision

1. The appeal is allowed, and planning permission is granted for proposed single storey rear extension and 2 storey side extension at 57 Broadway, Oldbury B68 9DP in accordance with the terms of the application, Ref DC/19/63418, dated 12 August 2019 subject to the following conditions:
  - 1) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: 1:1250 Location Plan & Drawing No CA-224-02.

### Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. Works relating to the two-storey side extension and rear extension have started and therefore I am considering the appeal on this basis.

### Main Issues

4. The main issues in this case are the effect of the development on:
  - The character and appearance of the street scene including No 55 Broadway, the adjoining semi-detached dwelling, and
  - The living conditions of the neighbouring occupiers, with regard to outlook.

## **Reasons for the Recommendation**

### *Character and Appearance*

5. The appeal site is on the north side of Broadway, set back from the highway by a grass verge and residential access road serving the dwellings on this side of the road. While it appears that the row was originally formed of uniform semi-detached dwellings, many have subsequently been extended and altered, including two-storey side extensions. Nevertheless, there are still some properties, such as on the appeal site, which do not have two-storey side extensions.
6. The two-storey side extension projects forward of the front elevation of the host dwelling. In this way it is very similar to those side extensions elsewhere on the street. While the Council may usually expect a set back from the front elevation and set down from the roof, I find such a requirement would not be appropriate in this location given the surrounding street scene. Conversely, the development before me replicates the style used elsewhere in the street and is therefore sympathetic to its character and appearance.
7. No 55 Broadway is the other half of the pair to the appeal property. It is the last dwelling in the row of properties on this stretch of the road and does not have a two-storey side extension. Given its position at the end of the row I find that some variation in its appearance is not out of place with the street scene. In light of this I find that the development before me does not unacceptably harm the symmetry of the pair of dwellings as a result of their differences.
8. In conclusion the two-storey side extension does not harm the character and appearance of the street scene and the pair of semi-detached dwellings of which it forms part. As such the development complies with Policy ENV3 of the Black Country Core Strategy, and Policy EOS9 of the Site Allocations and Delivery Plan Document which collectively require development to be of a high quality and respond to the identity of their surroundings. It also complies with the purpose of the Revised Residential Design Guide Supplementary Planning Document (SPD), which amongst other matters requires extensions to be in proportion to the scale of the existing dwelling and street scene.

### *Living Conditions*

9. None of the policies that the Council has put before me and drawn to my attention relate directly to the living conditions of neighbouring occupiers, nor do they refer to the 45° code line. Neither does the extract from the SPD with which I have been provided refer to the 45° code line. Although I note there is reference in the SPD to proposals which might impact unduly on neighbouring properties. As such I have reverted to the National Planning Policy Framework (the Framework) and based my assessment on its policies. Relevant to this appeal, Paragraph 127(f) requires that developments "create places... with a high standard of amenity for existing and future users".
10. The outlook from the rear facing patio doors serving No 55 would, prior to development starting, have had a largely open outlook. The only restriction to this being the tall boundary fence, to the west of the doors, between them and the appeal site. The single storey rear extension extends above the height of this fence, but by only a relatively limited amount in comparison to the height of the fence. Given this I find that although there would be some further

impact on the outlook towards the west, this would not be so significant as to result in harm to the living conditions enjoyed by occupants of that property in the use of the room that the patio doors serve. The quality of the outlook is further maintained by the openness towards the north and east which would still provide a pleasant outlook.

11. In light of the above I find that the outlook of the neighbouring occupiers at No 55 Broadway are not unacceptably affected by the single storey rear extension. In this way the development does not harm the living conditions of the neighbouring occupiers and complies with the amenity requirements of Paragraph 127(f) of the Framework. Moreover, there would be no conflict with the SPD which sets out that the over intensification of individual dwellings will be resisted where they unduly impact on neighbouring properties.

### **Conditions**

12. The Council has suggested conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Policy Guidance.
13. I find that to ensure clarity a condition is necessary requiring that the development is carried out in accordance with the approved plans. Moreover, in the interests of the character and appearance of the building, a condition is required to ensure that the external materials match those existing on the host dwelling.

### **Recommendation**

14. The development complies with the development plan and there are no other material considerations that indicate a decision otherwise would be appropriate. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

*S Watson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed with the suggested conditions.

*Kenneth Stone*

INSPECTOR



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## Appeal Decision

Site visit made on 30 June 2020

**by M Shrigley BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 03 August 2020**

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**Appeal Ref: APP/G4620/D/20/3252078**

**47 The Crescent, Cradley Heath B64 7JS**

- 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 Christian Ditchfield against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/20/63962, dated 6 February 2020, was refused by notice dated 3 April 2020.
  - The development proposed is for a single storey rear and first floor extension. Replacement roof.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council's reason for refusal makes clear that their objection to the scheme is limited to the roof alterations including a proposed rear dormer, therefore my decision focuses on those aspects.

### Main Issue

3. The effect of the development on the character and appearance of the area.

### Reasons

4. The application property is detached and shares a noticeable high degree of symmetry with No 48. Whilst both properties display some differences owing to alterations, they retain considerable similarity in terms of their corresponding roof profile when viewed as a pair within the street scene. They form a positive aspect of the areas character and appearance. Properties in the street have a mixture of gable and hipped roofs. There are a variety of housing designs present within the street-scene linked with consistent architectural cues such as use of similar external facing materials and fenestration proportions.
5. The development would significantly increase the height of the main dwelling and change its main roof profile from a hip to a gable design. It would also add a steeper roof pitch. As a result, the existing building symmetry and distinctive building proportions shared with No 48 would be lost. I appreciate that there is design variety evident within the street, but the two properties share an attractive matching appearance from the front. The visual effect of the height and roof form change would not be respectful to that. The change would erode the attractiveness of the street-scene.

6. Viewed from the rear the roof alterations inclusive of dormer would also appear overly dominant and out of keeping with neighbouring dwellings either side which have uncluttered roof designs. The excessive bulk and mass of the roof enlargement would be inconsistent with its surroundings and detrimental to the immediate character and appearance of the locality.
7. Whilst the use of a planning condition securing finishing materials matching the host dwelling would go some way to integrate the development with its surroundings it would not overcome my concerns. The height and mass of the proposal as well as the subsequent changes in building symmetry would still result in harm.
8. I therefore conclude the development would be harmful to the character and appearance of the area. The proposal would conflict with Policy ENV3 of the Black Country Core Strategy (2011) which seeks high quality design which reflects local identity, Policy SAD EOS9 of the Council's Site Allocations and Delivery Plan Document (2012), which supports the rejection of poor design that is out of scale or incompatible with a locality, as well as the aims of the Revised Sandwell Residential Design Guide Supplementary Planning Document (2014) requiring the appearance and size of roof designs to respect the character of an area.

### **Other Matters**

9. I acknowledge that the appellant has referred to the potential use of permitted development rights for a 'hip to gable' roof enlargement as having a similar effect to that of the proposed development. But the appeal proposal also involves raising the roof ridge height as well as the incorporation of a dormer. All the proposed changes would be physically linked, and I have found what is proposed would be harmful. Moreover, the height and pitch of the roof would be noticeably different. Therefore, I attribute little weight to what may or may not be theoretically possible using such rights. As a result, the potential notional use of permitted development rights does not outweigh the visual harm I have identified.

### **Conclusion**

10. For the above reasons I dismiss the appeal.

*M Shrigley*

INSPECTOR





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## Appeal Decision

Site visit made on 30 June 2020

**by M Shrigley BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 August 2020**

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**Appeal Ref: APP/G4620/D/20/3252256**

**24 Kendal Rise, Oldbury, West Midlands B68 8ER**

- 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 Sukhbir Samra against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/20/64002, dated 3 February 2020, was refused by notice dated 15 April 2020.
  - The development proposed is a "first-floor side/rear and single storey extension and rear conservatory".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the development on neighbouring living conditions with respect to the outlook of nos 26 and 28 Kendall Rise.

### Reasons

3. The side gable elevation of the host dwelling faces the front elevations of neighbouring semi-detached properties 26 and 28 Kendall Rise, containing habitable windows.
4. I note the Council's objections to the proposal relate to the first-floor side extension part of the proposal therefore I have focused on that aspect. The Council's Revised Residential Design Guide, Supplementary Planning Document (SPD) does not specify what the separation distance should be for windowed front elevations facing toward a side gable. I appreciate point (iii) of the SPD recommends a minimum separation distance of 14 metres between opposing one and two storey gables and rear facing windowed elevations but it is the site-specific effects of the development that are central to my decision rather than the distance mentioned in the SPD relied on by the Council.
5. The first-floor side extension would be erected on the top of an existing attached garage, situated approximately 11.5 metres away from the front elevations of 26 and 28. In doing so it would add considerable built mass and bulk to the side gable elevation of the host property, reducing the amount of separation space at first floor level. Whilst I acknowledge the host property is around 1 metre lower than 26 and 28, owing to differences in levels, the change would be intrusive. The proximity of the development would lead to

neighbouring primary outlook being dominated by a tall brick elevation which would be overbearing and oppressive.

6. I acknowledge that there are existing intervening boundary trees and other plantings which would partially obscure direct views of the side extensions, particularly the single storey components. Nevertheless, the first-floor component would be prominent and the continued presence of the natural plantings along the boundary is also open to potential change, including removal. Therefore, the existence of those boundary features does not overcome my concerns.
7. I therefore conclude the development would have a harmful effect on neighbouring living conditions. It would conflict with policy ENV3 of the Black Country Core Strategy (2011) which seeks high design standards and sustainable development, given local circumstances, policy SAD EOS9 of the Council's Site Allocations and Delivery Plan Document (2012), which discourages development which is incompatible with its surroundings, as well as the spirit of the Revised Sandwell Residential Design Guide SPG (2014) which sets out minimum external space standards to protect living conditions.

### **Other Matters**

8. The absence of public objections to the extension does not outweigh the long-term harm I have identified. In addition, the appellant also refers me to more generous separation distance advice issued by another Council on another site. However, I do not have the full details of the circumstances referred to. In any event, I have judged the appeal development before me on its own merits.

### **Conclusion**

9. For the above reasons I dismiss the appeal.

*M Shrigley*

INSPECTOR