


Planning Committee

9 December 2020

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

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

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 notice:-

Application Ref No.	Site Address	Inspectorate Decision
DC/20/64113	14 Stonehouse Crescent Wednesbury WS10 0DQ	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 28 September 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/G4620/D/20/3255240

14 Stonehouse Crescent, Wednesbury WS10 0DD

- 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 Jas Johal against the decision of Sandwell Metropolitan Borough Council
 - The application Ref DC/20/64113, dated 16 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issue

3. The main issues are the effect of the proposal upon (i) the character and appearance of the host dwelling and surrounding area; and (ii) the living conditions of the occupants No. 12 Stonehouse Crescent with particular reference to outlook.

Reasons for the Recommendation

Character and appearance

4. The area surrounding the appeal site is residential in nature, made up predominantly of semi-detached dwellings, with some purpose built two-storey flats of similar dimensions to the surrounding houses. The semi-detached properties are constructed in two distinct house types; those with gable walls, including the appeal site, and those with hipped roofs. No. 14 is part of a run of four properties with matching gables and this creates a pleasing level of symmetry and coherence. That symmetry has been eroded to a degree by ground floor extensions but remains intact at first floor level.
5. The proposal would introduce significant bulk at the appeal site such that it would result in a dwelling that does not respect the current form or scale of the property. The front facing gable would be set forward from the building line of the first floor in order to address concerns regarding the living conditions of neighbouring occupiers. However, this would result in the property having a contrived

appearance with a ridgeline of the extension below that of the main dwelling. As such, it would read as an awkward addition to the property.

6. In addition, an extension beyond the building line to the front of the main dwelling would not be characteristic of the pattern of development within street. There are no other examples of forward-facing gables in the area and the proposal would appear incongruous when experienced alongside the other dwellings particularly when set against the coherent existing pattern of development with two house types, as described above. The impact in this case would be emphasised due to the prominent location at the curve of the crescent, which would mean that the entire flank wall, including the projecting gable, would be clearly visible from the street where it would appear as a dominant feature. In addition, in adding additional bulk the side extension would serve to further distinguish the appeal property from the neighbouring dwelling at No. 16, further eroding the similarity of the two houses.
7. For those reasons, the proposed development would cause harm to character and appearance of the host dwelling and the surrounding area. Accordingly, it would fail to comply with Policies ENV3 of the Black Country Core Strategy, adopted February 2011 and EOS9 of the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document, adopted December 2012 and the Sandwell Metropolitan Borough Council Supplementary Planning Document Revised Residential Design Guide, January 2014.

Living Conditions

8. Due to the location of the site at the curve in the crescent, the neighbouring dwelling at No. 12 sits perpendicular to the appeal property with its rear elevation facing the site, separated by its modest garden.
9. The proposal relates to the erection of a first floor side extension, which would be constructed above the attached garage. As a result, it would bring the built form of the appeal property closer to the boundary with No. 12. However, the proposal would not extend the full length of the appeal property. It would be recessed from the rear elevation such that it would sit behind the ridge of the single storey rear projection. It is accepted by the Council that, as result of this set back, the rear windows at No. 12 would not directly face the proposal.
10. As such, while the side extension would create some change in the outlook experienced from the rear windows at No. 12 when looking towards the proposal, the main outlook from these windows looking over the rear garden of the appeal site would remain unchanged. This would not therefore cause significant harm to the outlook experienced from these windows.
11. For the same reason there would also be no significant impact on the rear garden of No. 12. The outlook from this location is already somewhat diminished due to the presence of the boundary treatment and the single storey rear projection at No. 14. While the side elevation of the proposal would be brought closer to the boundary the rear setback would ensure that it did not span across the entire width of the garden so as to appear unduly dominant or overbearing.
12. For those reasons, the proposed development would not cause harm to the living conditions of the occupiers of No. 12 Stonehouse Crescent with regard outlook. Accordingly, it would comply with paragraph 127(f) of the Framework, which seek to ensure adequate standards of living conditions.

Other matters

13. The personal circumstances of the appellant are acknowledged, whereby the proposal is a cost effective solution to providing additional family space. However, personal circumstances seldom outweigh general planning considerations. The harmful development would remain long after those circumstances have changed and the matters raised do not attract sufficient weight to override the harm that would arise.
14. Reference has been made to other properties in the surrounding area. However, this appeal is decided on its own site-specific circumstances, having regard to the established character of the immediate surroundings and reference to other development nearby does not outweigh the harm identified above.

Conclusion and Recommendation

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR