

# Report to the Planning Committee

**10<sup>th</sup> March 2021**

<b>Subject:</b>	Decisions of the Planning Inspectorate
<b>Director:</b>	Interim Director – Regeneration and Growth Tammy Stokes
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## **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 Corporate Plan?

		<p>We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.</p> <p>Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.</p> <p>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..</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 six months 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:-

<b>Application Ref No.</b>	<b>Site Address</b>	<b>Inspectorate Decision</b>
DC/20/64862	1 Monksgate Drive, West Bromwich B71 1NL	Dismissed

## 5 Alternative Options

5.1 There are no alternative options.

## 6 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	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
<b>Risk:</b>	There are no risks associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.

## 7. Appendices

Appendix 1 – Decisions of the Planning Inspectorate.



## Appeal Decision

Site Visit made on 9 February 2021

**by Bhupinder Thandi BA (Hons) MA MRTPI**

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

**Decision date: 23 February 2021**

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### **Appeal Ref: APP/G4620/D/21/3266698**

#### **1 Monkgate Drive, West Bromwich B71 1NL**

- 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 Janet Alexander-Hall against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/20/64862, dated 18 October 2020, was refused by notice dated 11 December 2020.
  - The development proposed is a two storey side extension and single storey rear extension.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

### **Main Issues**

3. The main issues are:
  - The effect of the proposed development upon the character and appearance of the area; and
  - The effect of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to light and outlook.

### **Reasons**

#### *Character and appearance*

4. The appeal site is a two storey link detached dwelling located within a modern residential estate. The property has a side garage set back from the frontage and a conservatory to the rear. Neighbouring property 11 Small Street is dual aspect and backs on to the appeal site and has windows facing the site. This side of Monkgate Drive and this section of Small Street is characterised by modern properties with a close spatial relationship and limited separation between them.

5. I acknowledge that the proposed development would be subservient to the host property being both set back from the front wall and set down from the ridge of the roof. However, its two storey height and overall length, projecting beyond the rear wall of the host property, would be viewed as disproportionately and uncharacteristically large when considering the size of the existing dwelling unduly dominating its appearance. Due to the property's position close to the road junction and the area's close spatial relationship its scale and mass would be clearly noticeable appearing as a visually intrusive feature from within the surrounding area.
6. Whilst the proposed development would replace an existing garage and use sympathetic materials these factors do not justify a scheme that I have found to be harmful.
7. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policy ENV3 of the Black Country Core Strategy (2011) and Policy EOS9 of the Site Allocations and Delivery Development Plan Document (2012) which, amongst other things, seek high quality design and which do not support poor designs that are out of scale with or incompatible with their surroundings.
8. It would also be contrary to guidance in part y. of the Revised Residential Design Guide Supplementary Planning Document (2014) which, amongst other things, sets out that extensions must be proportionate to the scale of the existing dwelling and street scene.

#### *Living conditions of existing occupiers*

9. I acknowledge that the proposed side extension would be subservient to the host property and No 11 is dual aspect. However, it has habitable room windows facing the appeal site. There is limited separation between the properties, and this combined with the proposed development's proximity positioned along the boundary and its length and height would form an overbearing feature. This would result in a sense of enclosure that would have a significant adverse impact on the living conditions of the occupiers of No 11 by virtue of loss of light and outlook.
10. I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 11 with particular regard to light and outlook.

#### **Other Matters**

11. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.

**Conclusion**

12. For the reasons set out above the appeal does not succeed.

*B Thandi*

INSPECTOR