

Report to the Planning Committee

23 November 2022

Subject:	Decisions of the Planning Inspectorate
Director:	Director – Regeneration and Growth Tony McGovern
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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?

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

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 3 months (householder proposals) six months (commercial developments) 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:-

Application Ref	Site Address	Inspectorate
DC/22/66793	66 Herbert Street West Bromwich B70 6HZ	Dismissed 29/9/2022

5 Alternative Options

5.1 There are no alternative options.

6 Implications

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

7. Appendices

Appeal Decision



Appeal Decision

Site visit made on 6 September 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th September 2022

Appeal Ref: APP/G4620/D/22/3300980
66 Herbert Street, West Bromwich B70 6HZ

- 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 Jaspreet Singh against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/66793 dated 16 March 2022, was refused by notice dated 11 May 2022.
 - The application is for proposed single storey front extension, first floor side extension and loft conversion with dormers to rear.
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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 Council's decision notice and differs from that used on the Appellant's original application. In Part E of the appeal form it is stated that the description of development is the same as that used by the Council and as such I have used this description accordingly which I feel accurately represents the scope of the proposals.
3. The Appellant has stated that the proposed loft conversion has been omitted from the plans. I have no further plans or evidence before me of this other than within their written statement. As such I must therefore base my decision upon the plans that were submitted to the Local Planning Authority as part of the original application and that are the subject of this specific appeal.

Main Issues

4. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

5. Herbert Street is largely characterised by a tree lined residential street of largely 19th century through terrace houses. To the end of Herbert Street the appeal property appears to form part of a more recent development of two storey detached houses. This more recent development appears to primarily address the nearby Beeches Road that runs at right angles to Herbert Street. Despite this the appeal property itself is located to the rear of number 212

Beeches Road and forms part of the streetscene associated with Herbert Street. To the rear of the property is St Phillip's Church and Sunday School which appear to be historic buildings.

6. The property is of a differing design to that of much of Herbert Street being of a modern conical hipped roof design with single storey garage abutting the side boundary. The site appears to have been an infill development upon what must have been a fairly tight plot of land originally. For instance, the property's rear garden is relatively modest and the house is located relatively tightly against its boundaries with 212 and 214 Beeches Road. Similarly, the property is located only a short distance from number 64 Herbert Street whose side elevation appears to contain several windows.
7. The proposal before me intends to alter the existing house to something similar to its contemporary neighbours fronting Beeches Road so as to increase the internal accommodation and allow an extended family to live together. In so doing the proposal would see the house change from a hipped roof property to a double fronted gable ended house of considerably greater size and mass.
8. In assessing this proposal I am aware of the Council's Residential Design Guidance¹ that recommends proposals to allow around 14 metres between rear windowed elevations and adjacent gable walls. In this case the distance between the rear of number 212 Beeches Road and the proposed first floor extension over the existing garage would be much lower than this recommendation.
9. The development above the garage would therefore introduce a first storey on top of the existing garage and as such would introduce a much higher gable wall immediately adjacent to the boundary of number 212 Beeches Road. As such I consider that there would be a significant over dominance through this proposal as well as an added impact upon both the daylight and sunlight that would reach the neighbouring properties along Beeches Road as a result.
10. Similarly, the proposal would enlarge the roof form alongside number 64 Herbert Street. I saw on my site visit that the side elevation of this property does have windows to its existing side elevation and I understand from the Council's Delegated Report that these windows serve habitable rooms. In considering this appeal therefore I give great weight to need to protect the living conditions of adjoining neighbours and I consider that the proposed change of hip to gable roof form would adversely affect both the amount and quality of daylight reaching these windows. As a result, the proposal would cause harm to the living conditions of neighbours through further reductions in light and the associated dominance of the proposed structure.
11. Although I also give some weight to the personal needs of the Appellant to accommodate their family under one roof I must balance this against the living conditions of other residents who may be affected. As a result I consider that there would be a harmful and dominant impact of the proposed two storey side extension upon residents of both 212 Beeches Road and 64 Herbert Street and that these impacts would be made noticeably worse through the proposed gable elevation serving the proposed loft conversion.

¹ Sandwell Metropolitan Borough Council's Revised Residential Design Guide Supplementary Planning Document 2014

12. In considering the overall effects of the proposal therefore I conclude that the harm to the living conditions of neighbours would outweigh any personal benefits that may ensure through these proposals. As such I consider that the scheme before me is contrary to Policies ENV3 of the Black Country Core Strategy and Policy EOS9 of the Site Allocations and Delivery Plan Document as well as guidance contained within the Sandwell Metropolitan Borough Council Residential Design Guide (2014) and as such the appeal must fail.

Conclusion

13. For the reasons outlined above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR