

Planning Committee

19 January 2022

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| Subject: | Decisions of the Planning Inspectorate |
| Director: | Director – Regeneration and Growth Tony McGovern |
| Contribution towards Vision 2030: |    |
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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 notices:-

| Application Ref | Site Address | Inspectorate |
|------------------------|---|---------------------|
| PD/21/01708 | 129 Charlemont Road West Bromwich B71 3EH | 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.

Tony McGovern
Director – Regeneration and Growth



Appeal Decision

Site visit made on 2 November 2021

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 December 2021

Appeal Ref: APP/G4620/D/21/3274637

129 Charlemont Road, West Bromwich, West Midlands B71 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by S Singh against the decision of Sandwell Metropolitan Borough Council.
- The application Ref PD/21/01708, dated 26 January 2021, was refused by notice dated 13 April 2021.
- The development proposed is described as Proposed first floor storey extension (Class AA application).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).
3. Development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval. The local planning authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
4. The provisions of the GPDO require the local planning authority to assess the development proposed solely on the basis of a limited number of considerations. These include the external appearance of the dwellinghouse. The Council has raised concerns in respect of the effect of the development upon the visual amenity of the area. I therefore consider this to be the main issue in the appeal.
5. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

6. This is whether prior approval should be given, having particular regard to the resulting external appearance of the dwellinghouse on the surrounding area.

Reasons

7. The appeal site is a detached bungalow with a staggered form, located in a predominantly residential area. It has a wide open frontage and is situated opposite a road junction. It is a slight anomaly within the area as it is an older property surrounded by more recent higher density development, such as two-storey terraced properties and 3 eight-storey tower blocks within the opposite street.
8. The property has been extended to the rear and side at ground floor level. One section of the bungalow has been extended into the roof space with a hip-to-gable and flat roof rear dormer which covers the entire width of the roof. The appeal scheme seeks to create additional residential accommodation at first floor level on the part of the building that does not contain the loft conversion.
9. The appellant contends that there are several examples of bungalows in the local area that have had similar additional storey extensions "approved by the Council", creating much larger 2 storey houses. They have provided photographic examples of two of these properties which they say have been extended with an additional storey of a greater size, and with neighbouring properties within very close proximity to either side and to the opposite side of the road. The appellant considers one of these properties to not be in keeping or sympathetic with the surrounding properties or street scene. Whereas, in contrast they consider the appeal proposal to be in keeping and sympathetic with the existing street scene due to it being an addition to a small part of the property.
10. Whilst I acknowledge these examples, I do not know the full circumstances of the cases. Nevertheless, in my opinion, the context of the appeal before me is significantly different to the provided examples.
11. The development as proposed would increase the overall height, bulk and scale of the bungalow on each elevation, including the principal front elevation which faces the highway and the junction with Meadow Avenue, and the side and rear elevations would be readily visible from both an area of public open space and neighbouring properties to the rear and side.
12. The height would be disproportionate to the scale of the existing dwelling and would result in a visually unbalanced property. The additional storey on one section of the bungalow would appear overly dominant and incongruous in the wider context and immediate street-scene. This would cause harm to the appearance of the area. In this respect, the proposal would not accord with paragraph 126 of the Framework 2021 which seeks to create high quality, beautiful and sustainable buildings and places.
13. Although the surrounding properties are taller, and the appeal property would be extended to a similar height to some neighbouring two-storey houses, only one section of the bungalow would be extended upwards. Furthermore, the surrounding properties, particularly the tower blocks, are purpose built and are considerably different in appearance. Their presence does not justify allowing the development as proposed.

Conclusion

14. Given the above, prior approval is refused and the appeal is dismissed.

S A Hanson

INSPECTOR