

Report to the Planning Committee

22 June 2022

Subject:	Decisions of the Planning Inspectorate
Director:	Director of Regeneration and Growth Tony McGovern
Contact Officer:	John Baker Service Manager – Development Planning and Building Consultancy John_Baker@sandwell.gov.uk Alison Bishop Development Planning Manager Alison_Bishop@sandwell.gov.uk

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 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:-

Application Ref No.	Site Address	Inspectorate Decision
DC/21/66026	21 Lily Street West Bromwich B71 1ED	Dismissed
DC/21/66219	10 Barnfordhill Close Oldbury B68 8ES	Dismissed



5 Alternative Options

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

Appendix 1 – Decisions of the Planning Inspectorate

8 Background Papers

There are no background papers





Appeal Decision

Site visit made on 15 March 2022 by A Coombes

Decision by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/G4620/D/21/3292056

21 Lily Street, West Bromwich, Sandwell B71 1ED

- 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 S Singh & Mrs J Kaur against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/21/66026, dated 17 August 2021, was refused by notice dated 8 October 2021.
 - The development is the retention of a forward 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.

Preliminary Matters

3. This appeal relates to a resubmission of application Ref DC/21/65227.
4. The application was submitted retrospectively, and the appeal has therefore been considered on this basis. I observed on site that the submitted drawings accurately reflect what has been built. Whilst the agent has suggested that the design of the development can be amended, no such alternatives are before me, and the appeal has been considered on the basis of the plans provided.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host dwelling, the terrace of which it is a part, and the surrounding area.

Reasons for the Recommendation

6. The appeal site is a two-storey dwelling situated within an established row of terraced properties that all have bay windows. The surrounding area is residential with a mixture of terraced and semi-detached dwellings. The bay windows along this terrace are uniform in size and siting. Although different style properties can be found on Lily Street there is a consistent character across the terrace of dwellings. The bay windows are attractive features which add articulation to the front elevation of the terrace and which, due to their relatively small size and chamfered side elevations, are subservient to their

host dwellings. Across the rest of the terrace, the entrance doors are flush with the principal elevations and the dwellings do not have porches.

7. The proposal seeks permission for a single-storey forward extension that extends the full width of the property with right-angled side elevations, and also incorporating an extended porch. It has been constructed in brick with uPVC windows.
8. By extending across the entire frontage of the dwelling, the extension disrupts the pattern of development along the terrace. Whilst it does not encroach beyond the site boundary on to the pavement, the increased scale and bulk of the forward extension is overly dominant towards both the host dwelling and the terrace as a whole. It is out of keeping with the character of the other dwellings in the terrace and disrupts the architectural integrity of the terrace within which it sits.
9. Although some materials used for the development match those used on neighbouring properties, this does not mitigate the visual harm caused by the scale and profile of the extension. A condition requiring minor design changes could not make the extension acceptable, because the visual harm caused by the extension primarily relates to its overall footprint and scale.
10. The appellant has provided examples of similar forward extensions on properties in Sandwell, and some further afield. Although some of these, specifically those on Law Street, are near to the appeal site, they are not seen within the same context. Many of them are on properties of entirely different architectural styles. Importantly, there are no examples of similar extensions along the appeal terrace. There are some differences of front building lines along Lily Street, but not along the appeal terrace. It is acknowledged that the appeal site is not within a conservation area, but this does not justify allowing an extension which harms the character and appearance of an area.
11. For the reasons given above, the development causes harm to the character and appearance of the host dwelling, the terrace, and the surrounding area. Therefore, it does not comply with Policy ENV3 of the Black Country Core Strategy, adopted 2011 and Policy SAD EOS9 of the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document, adopted 2012. Together these policies seek to resist development that is not of a high-quality design and is out of scale, or incompatible with, its surroundings. The development also fails to comply with the Revised Residential Design Guide SPD which, amongst other criteria, requires that domestic extensions are not out of scale with, and are visually in-keeping with, their surroundings.

Other Matters

12. The appellant states that the introduction of double-glazed windows and doors enhances the safety of the property. However, this could be achieved through the fitting of replacement windows and doors within the original design of the dwelling. The appellant also states that the extension affords easier viewing of visitors to the property, which is stated to be a safety feature. However, it would be possible to view visitors from the original bay window, or through a peep hole in the front door. I do not, therefore, agree that the development has materially increased safety for the occupiers of the dwelling.

Conclusion and Recommendation

13. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

O S Woodward

INSPECTOR



Appeal Decision

Site visit made on 29 March 2022 by April Coombes

Decision by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/G4620/D/22/3291891

10 Barnfordhill Close, Oldbury B68 8ES

- 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 Harminder Singh Reehal against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/21/66219, dated 11 October 2021, was refused by notice dated 12 January 2022.
 - The development proposed is proposed first floor side extension, single/two storey side and rear extensions, increase in roof height with two rear dormer windows and front porch.
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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.

Preliminary Matters

3. The description above is taken from the Council's decision notice, as it is more comprehensive and the appellant uses it in his appeal.

Background

4. Planning Permission has already been granted¹ for a first-floor side extension, two storey rear extension, increase in roof height with two rear dormer windows, single storey rear extension and front porch. On the site visit I observed that work has started.
5. The appeal seeks permission for additional extensions to this previously approved scheme. The officer delegated report describes the differences as "the first-floor side extension would be flush with the front of the existing house and single/two storey side extension is proposed to the elevation facing the highway. The dormer position has also altered". The Council raises no objection to the first-floor flush extension or repositioned dormer. Its concern lies with the proposed single/two-storey side extension that faces the highway, which in turn is attached to the rear extension.

¹ LPA ref: DC/21/66110 approved 18 August 2021

Main Issue

6. In light of the above, the main issue is whether the proposed single/two storey side and rear extension would harm the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendation

7. Barnfordhill Close is a residential road with two cul-de-sacs of the same name. The appeal site comprises a two storey detached property located on an open corner plot with one of the cul-de-sacs. Due to the topography of the area, the site occupies an elevated position above the highway and the pavement. The elevated dwelling is set back from the highway by an intervening sloping grassed landscaped bank. This positively contributes to the open spacious character and appearance of the area. The property is also elevated above 30 Barnfordhill Close (No.30) on the opposite corner plot of the cul-de-sac.
8. The proposed side extension would extend along the entire side elevation as well as taking the dwelling closer to the highway and encroaching into the landscaped open space alongside the highway, hence reducing the openness of the site. Coupled with the site's elevated position, the extension would appear unduly tall, overbearing and domineering in the street scene. As a result, the cumulative mass and scale of development would not respect the proportions of the existing dwelling in this prominent location and would detract from the street scene.
9. The existing side elevation is broadly aligned with the slightly staggered, but nonetheless obvious, building line of properties from the top of the road, namely Nos.2-8. The proposal would extend the property beyond this alignment, taking it very close to the site boundary and the highway, disrupting the street scene.
10. No.30 forms a distinct row of 4 properties with Nos.32-36 on the other side of the cul-de-sac corner, which sit forward of the appeal property. The proposed side extensions would approximately align with, but not extend beyond, this building line. Notwithstanding this, from my site visit observations, the appeal property does not form part of the building line with No.30, nor does it form a gateway to the cul-de-sac as the two properties face in different directions.
11. The dwellings on Barnfordhill Close, including in the cul-de-sac and No.12, vary in size, and some properties are larger, such as No.30, or occupy smaller plots than the appeal site. A number have been extended, which is not uncommon in a residential area. However, none occupy the same exposed, elevated, and open corner plot as the appeal site, such that they are not directly comparable, and their existence does not set a precedent or justify allowing harmful development.
12. For the reasons given above, the proposed single/two storey side and rear extension would cause harm to the character and appearance of the host dwelling and surrounding area. Accordingly, it would not comply with Policy ENV3 of the Black Country Core Strategy², or Policy SAD EOS 9 of The Site Allocations and Delivery Development Plan Document³. Together these Policies seek to resist development that is not of a high-quality design, and which is

² Adopted February 2011

³ Adopted December 2012

inappropriate within or incompatible with its locality. Furthermore, the development would also fail to comply with the guidance in the Revised Residential Design Guide Supplementary Planning Document⁴, which seeks to resist over intensification of dwellings where proposals impact unduly on the street scene.

Other Matters

13. The proposed extension would provide additional internal amenity space for a family home. However, it has not been demonstrated that this is the only way to provide such accommodation, or that a different scheme could not be pursued that would not cause the harm to the character and appearance in the manner that has been identified.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, the proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. I recommend that the appeal should be dismissed.

April Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Stephens

INSPECTOR

⁴ Adopted January 2014