



Appeal Decision

Site visit made on 21 December 2009

by **Andrew S Freeman** BSc(Hons) DipTP
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an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
7 January 2010

Appeal Ref: APP/C3430/A/09/2111564
8 Elmley Grove, Perton, South Staffordshire, WV6 7RW

- 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 M Gregory against the decision of South Staffordshire Council.
- The application Ref 09/00104/FUL, dated 11 February 2009, was refused by notice dated 24 April 2009.
- The development proposed is first floor side extension and pitched roof over existing kitchen.

Decision

1. I allow the appeal and grant planning permission for first floor side extension and pitched roof over existing kitchen at 8 Elmley Grove, Perton, South Staffordshire, WV6 7RW in accordance with the terms of the application, Ref 09/00104/FUL, dated 11 February 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PS 149 P Revision D.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows shall be constructed on the northern elevation.

Main issue

2. The main issue is the effect on the occupiers of 10 and 12 Elmley Grove in terms of privacy, visual intrusion, daylight and sunlight.

Reasons

3. The appeal property is to the south of, and aligned at right angles to, 10 and 12 Elmley Grove. The extension would feature a roof-light and dormer window in the rear roof slope. However, these would face to the east. In my judgement, given the acuteness of the angle, there would be no significant overlooking of the gardens of 10 or 12 Elmley Grove.

4. With regard to visual intrusion, the extension would be on the common boundary with 10 and 12 Elmley Grove. In this position, the flank wall would be at a distance stated to be approximately 11.5m from the rear main walls of Nos 10 and 12. This is in circumstances where Appendix 1 of the Local Plan states that, on corner sites, where there are no facing windows, the minimum distance from the rear of a corner dwelling to a flank wall should be a minimum of 14m.
5. I was able to look towards the appeal site from the rear gardens of both 10 and 12 Elmley Grove. To my mind, the overall profile of the side of the appeal property would be little changed. The change would essentially amount to a small nib of additional development where the slope of the existing roof would be carried over the first floor extension.
6. I appreciate that the development at first floor level would be brought closer to 10 and 12 Elmley Grove and that the degree of separation would be less than 14m. However, the garage and kitchen are already on the common boundary. I could see that, viewed from the rear of 10 and 12 Elmley Grove, there would still be plenty of open space to the east and west of the appeal property. I did not gain the impression that the extension would be unduly overbearing or visually intrusive.
7. In terms of sunlight, I viewed the appeal site on the shortest day of the year. At approximately midday the sun was still relatively low in the sky. Bearing in mind that 6 Elmley Grove is set back relative to No 8, and itself exerts a shadowing effect, I could judge that any obstruction by the extension itself would not be significant.
8. At other times of year, the sun would be higher in the sky. It is possible that, at times, there would be short and minor overshadowing of a very small part of the rear gardens of 10 and 12 Elmley Grove. However, for the most part, the sun would be either unobstructed by the new development or would rise above the extension. In my judgement there would be no material loss of daylight or sunlight.
9. I conclude that the living conditions of the occupiers of 10 and 12 Elmley Grove would not be significantly affected by the proposed development. In accordance with Local Plan Policy BE26, harm to the amenity of neighbouring residential properties would be avoided.
10. I have had regard to all other matters raised including matters of construction practice and property valuation. However, there are no planning matters that would outweigh my decision in this case.
11. For the reasons given above, I conclude that the appeal should be allowed. However, conditions are necessary in the interests of visual amenity (Condition 3)); also to safeguard the future privacy of the occupiers of 10 and 12 Elmley Grove (Condition 4)).

Andrew S Freeman

INSPECTOR
