



Appeal Decision

Site visit made on 15 December 2009

by Peter Fenwick BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
20 January 2010

Appeal Ref: APP/C3430/A/09/2114159 2 Fairfield Drive, Kinver, Stourbridge, DY7 6EW

- 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 Roger Flavell against the decision of South Staffordshire District Council.
- The application Ref 09/00243/FUL, dated 2 April 2009, was refused by notice dated 30 June 2009.
- The development proposed is extensions to the existing dwelling with associated car parking and landscaping.

Decision

1. I allow the appeal and grant planning permission for extensions to the existing dwelling with associated car parking and landscaping at 2 Fairfield Drive, Kinver, Stourbridge, DY7 6EW in accordance with the terms of the application Ref. 09/00243/FUL dated 2 April 2009, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the north-east and north-west elevations.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main issue

2. I consider the main issue to be the effect on the character and appearance of the area.

Reasons

3. The appeal property is a detached bungalow with an integral garage. The rear garden runs the length of the bungalow and is at a higher level. Boundary fencing with some shrubs and trees screen the appeal garden from the neighbouring gardens. In the vicinity of the appeal bungalow there are a variety of bungalows and houses of differing designs and styles. There are

examples of front roof dormers nearby along Fairfield Drive. The neighbouring bungalows and houses to the north face Stone Lane which slopes up towards the west. There are four semi-detached bungalows immediately to the south-west of the appeal bungalow. The closest two properties, Nos 3 and 4 Fairfield Drive, have a higher roof ridge than the appeal bungalow and No 4 has roof accommodation with a side and rear dormer.

4. When travelling along Fairfield Drive from the junction with Stone Lane the roadside screen fence and landscaping around the curtilage of No 1 Fairfield Drive generally screen the appeal bungalow. Travelling north-east along Fairfield Drive towards the appeal bungalow there is variety in the height of roof ridges, with the appeal bungalow having a generally lower roof ridge. North-west views from Crystal Gardens opposite the appeal site have the backdrop of the higher Stone Lane houses viewed behind the appeal bungalow.
5. The variety of roof ridge heights in the vicinity of the appeal bungalow together with the variety of dwelling designs would ensure that the proposed increased roof height would not harm the character of either the general area or the immediate area around the appeal site. Notwithstanding the lack of front facing dormers on the closest neighbouring bungalows, such dormers are evident in the area. The proposed dormers would add visual interest to the appearance of the existing bungalow.
6. In addition, the upper floor would not extend the full width of the appeal bungalow as single storey elements would remain at either end. The combination of end single storey elements, together with the hipping of the proposed roof at each end, would ensure that the bulk and mass of the proposed upper floor would not be harmful in the street scene and would remain in scale with the existing property.
7. I therefore conclude that the proposed extensions would not harm the street scene and would respect the character of the area in terms of scale, mass and design. Therefore, the proposal accords with policies H16 and BE26 in the South Staffordshire Local Plan which expects new development to respect and be sympathetic with the appearance and character of its surroundings.

Other matters

8. The orientation of and rear garden length of the neighbouring dwellings to the north and east, together with the appeal property being lower would prevent any unreasonable impact on the living conditions of those neighbours from loss of light. The proposed rear roof lights are at a high level which would prevent any harmful overlooking of neighbours.

Conditions

9. I have considered the Council's suggested conditions in the light of tests in Circular 11/95. As no such details have been provided I agree that a condition requiring details of the external materials is necessary. In order to avoid overlooking of neighbours a condition taking away permitted development for additional windows is required. The property has 2 car parking spaces, with an integral garage and front car parking space; nevertheless, given the proximity of local services and the cul-de-sac nature of the roads in this immediate area I

can see no reason for a condition requiring the retention of these spaces. A condition specifying adherence to the amended plans is not necessary, since permission granted relates only to these plans in any event. The Council has also suggested a condition to control permitted development rights. Circular 11/95 is clear that permitted development rights should only be controlled in exceptional circumstances and I am unaware of any such circumstances.

10. For the reasons set out above and having considered all other matters raised and subject to appropriate conditions I conclude that the appeal should be allowed.

Peter Fenwick

INSPECTOR

