



Appeal Decision

Site visit made on 10 August 2009

by **Stuart Hall** BA(Hons) DipTP FRTPI MIHT

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
19 August 2009

Appeal Ref: APP/C3430/A/09/2102125

33 Beverston Road, Perton, Staffordshire WV6 7UG

- 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 Adam Sharman against the decision of South Staffordshire District Council.
- The application (Ref 08/01186/FUL), dated 6 December 2008, was refused by notice dated 3 February 2009.
- The development proposed is a rear extension.

Decision

1. I dismiss the appeal.

Main issues

2. There are 2 main issues in this appeal. The first is the effect of the proposed extension on the living conditions of the occupiers of 31 Beverston Road, the adjoining dwelling, in relation to outlook. The second is its effect on the living conditions of occupiers of the appeal property, in relation to garden size.

Reasons

3. The appeal property is a 2 storey semi-detached house with a single storey rear projection across the outer part of the main rear elevation. There is a conservatory between this and the boundary with No 31. This would be replaced with a 2 storey extension with double-pitched roof. The plain inner side elevation would be set in slightly from the boundary, and would project marginally beyond the current rear of the conservatory.
4. Measurements agreed at my site visit show that the scheme would project some 2.8 m from the main rear elevation, approaching a quarter of the length of No 31's modest rear garden. Its side elevation would be positioned less than half that distance from the centre of the nearest ground floor rear habitable room window at No 31. It would occupy a correspondingly significant arc of outlook from that window. Though I am not aware of any relevant local design guidelines, I conclude that it would be unduly overbearing within that outlook. It would also have a dominant presence in the outlook from that part of the rear garden nearest to the dwelling.
5. The appellant states that it is intended to re-erect the conservatory at No 31, thereby reducing the impact of the proposed extension. However, that does not form part of the proposal before me. A planning condition would not be appropriate, as it would not be within the appellant's control. Though the appellant also states that the scheme is identical to others nearby, I could see

none from the appeal site and no specific examples have been drawn to my attention.

6. Accordingly, I conclude that in relation to outlook the scheme would cause substantial harm to the living conditions of the occupiers of 31 Beverston Road. Thereby, it would conflict with that part of saved Policy BE26 of the *South Staffordshire Local Plan* (LP) that seeks to avoid harming the amenities of neighbouring residential properties. The lack of objection from the current occupiers of No 31 carries only limited weight against this failure to maintain a quality of outlook matching reasonable expectations in this suburban area.
7. In relation to the second main issue, agreed measurements suggest that the rear garden area is slightly below the usual LP Appendix 1 requirement for new development. However, that allows for future building extensions, which have occurred here, implying that in the long term a smaller area would be acceptable. The further insignificant reduction in rear garden area is not material in this context.
8. Therefore, I conclude that the scheme would be acceptable in relation to its effect on the living conditions of the occupiers of the appeal property. However this does not mitigate the harm I have identified in relation to occupiers' outlook at No 31. That harm remains a compelling reason why the appeal should not succeed.

Stuart Hall

INSPECTOR