



Appeal Decision

Site visit made on 14 February 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/C3430/D/22/3310725

31 Meddins Lane, Kinver, Staffordshire DY7 6BZ

- 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 Gatenby against the decision of South Staffordshire District Council.
 - The application Ref 22/00735/FUL, dated 27 July 2022, was refused by notice dated 13 October 2022.
 - The development proposed is described as 'loft conversion into 2 bedrooms including alterations to roof'.
-

Decision

1. The appeal is allowed, and planning permission is granted for loft conversion into 2 bedrooms including alterations to roof at 31 Meddins Lane, Kinver, Staffordshire DY7 6BZ in accordance with the terms of the application, Ref 22/00735/FUL, dated 27 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: OS/1001, 1001-02, 1001-10, 1001-01 and 2201-01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. Although the Council's decision notice does not refer to the living conditions of the residents of neighbouring properties, given the assessment within the planning officer's report and the comments within the letters of objection I have dealt with this matter as a main issue.

Main Issue

3. The main issues are (i) the effect of the proposed development on the character and appearance of the host property and the area, and (ii) the living conditions of the residents of neighbouring properties with particular regard to privacy, light and outlook.

Reasons

Character and appearance

4. The appeal property is a detached 2 storey house with shallow roof pitch, set back significantly from the Meddins Lane road frontage. Meddins Lane is characterised by its wide variety of property styles and ages. There is little uniformity between the surrounding properties with substantial differences in scale, roof design and distance from the highway. Further, there are considerable changes in topography which alter the perception of height from the street and contribute to a diverse roofscape.
5. Although the proposed loft conversion would raise both the eaves and ridge of the roof, resulting in a steeper pitch, the overall height and roof pitch would be comparable with other properties in the area and would not be overly dominant. While the development would be clearly visible within the street scene, the front dormer and decorative brickwork would be an attractive addition, mirroring existing architectural detailing.
6. While the rear dormer is substantial, the pitched roof form would add architectural interest. The reduced height of the middle section of the rear dormer would lessen its overall bulk resulting in a well-balanced and proportioned façade. Because of the host property's position, set back from the highway, the rear dormer would only be marginally visible and therefore would not unduly influence the street scene.
7. Therefore, I conclude that the proposed development would be consistent with the character and appearance of the host property and the area. Consequently, I find no conflict with Policy EQ11 of the South Staffordshire Council Core Strategy (December 2012) (SCS) which seeks to ensure developments are of the highest quality and take account of local character and distinctiveness, while making a positive contribution to the street scene through appropriate scale. The proposal would also accord with the National Planning Policy Framework (the Framework) which seeks to ensure development adds to the overall quality of the area and is visually attractive as a result of good architecture.

Living conditions

8. Nos 112a and 112b Church View Gardens as well as Nos 25 and 27 Meddins Lane are situated a significant distance behind the appeal property. While the rear dormer could be perceived as a third storey, the distances required by the SCS, between habitable rooms in three storey dwellings would be met, further, Nos 112a, 25 and 27 are offset at an oblique angle. Although No 112b Church View Garden directly faces the rear elevation of the appeal property and is single storey, due to the topography it is raised noticeably above the appeal site and benefits from boundary fencing and planting. Consequently, the privacy and outlook from Nos 112a and 112b Church View Gardens and Nos 25 and 27 Meddins Lane would not be harmed by the proposal.
9. Despite the appeal property's position behind the rear building lines of the adjacent properties No 29 and No 33 Meddins Lane, each property benefits from a long garden, high level boundary treatments and a southerly aspect. Therefore, the proposal would not have a detrimental effect on privacy or light.

10. Overall, due to the topography, intervening distances, and orientation of adjacent properties and despite the increase in height of the appeal property, the proposal would not be overbearing or result in any harmful loss of privacy or light for the residents of the neighbouring properties.
11. Therefore, I conclude that the proposal would not harm the living conditions of the residents of neighbouring properties and would conform with Policy EQ9 of the SCS which requires that residential amenity of nearby neighbours is protected. Similarly, there is no conflict with the Framework which seeks to ensure a high standard of amenity for existing and future users.

Conditions

12. In addition to the statutory time limit, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is also necessary to ensure that the appearance of the development would be satisfactory.
13. The Council has suggested that all rear facing dormer windows be obscured glazed, this is not necessary as I have not identified any harm to the living conditions of the residents of the neighbouring properties.

Conclusion

14. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR