

Report to the Planning Committee

4th June 2025

Subject:	Decisions of the Planning Inspectorate
Contact Officer:	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 Council Plan?

Growing Up in Sandwell	<p>A great place for Children to grow up and to ensure a brighter future for children and young people.</p> <p>Children and young people in Sandwell are able to grow up in a safe, stable loving home.</p> <p>All children and young people have the same opportunities to achieve their full potential and are supported by adults, including parents and carers, to establish high aspirations.</p>
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Living in Sandwell	<p>Improving the local environment with a focus on cleanliness, ensuring that the community takes pride in its surroundings.</p> <p>Safe and affordable homes.</p> <p>Quality green spaces.</p>
Thriving Economy in Sandwell	<p>The Sandwell Local Plan serves as the blueprint for future development, guiding housing and employment growth while ensuring new infrastructure investments like transport and schools.</p> <p>Good homes that are well connected.</p> <p>Encourage a positive environment where businesses and our community and voluntary organisations are supported to grow; and investment into the borough is maximised, creating job opportunities for local residents.</p>
Healthy in Sandwell	<p>Commitment to fostering a community where every resident has the opportunity to lead a healthy and fulfilling life.</p> <p>Peoples needs for care and support are reduced or prevented through early intervention and prevention programmes.</p> <p>Carers feel supported in carrying out their caring role.</p> <p>Residents are protected from harms to their health and wellbeing.</p>
One Council One Team	<p>Sandwell Council's ethos of 'One Council One Team' reflects a commitment to unity and Collaboration, striving for excellence in serving the community.</p> <p>An outstanding corporate parent, with all of the young people in our care reaching their full potential.</p> <p>All of our residents, including our children and young people, are active participants in influencing change – through being listened to, their opinions are heard and valued.</p>

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 3 months (householder proposals) six months (commercial developments) 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	Site Address	Inspectorate
DC/24/69937	Whitehaven 6 Hill Lane Great Barr Birmingham B43 6NA	Dismissed LPA cost application is refused. Appellant full award of costs is refused.
DC/24/69512	28 Hackett Road Rowley Regis B65 0RP	Dismissed

5 Alternative Options

- a. 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.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.
Corporate parenting	None

7. Appendices

APP/G4620/D/25/3360499

APP/G4620/D/24/3357136



Appeal Decision

Site visit made on 4 April, 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/G4620/D/25/3360499

Whitehaven, 6 Hill Lane, Great Barr, Birmingham B43 6NA

- 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 Inderjit Sanghera against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/24/69937.
 - The application is for proposed double garage and landscaping to foregarden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Procedural Matter

3. The description of development used in the heading above differs from that used by the Council on their Decision Notice and is the description used in the original application form that I consider just as well reflects the nature of the development proposed.
4. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024 (updated 7 February 2025) whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Reasons

5. The appeal property is a large detached house apparently dating from around the 1930's. The house is of four bays with a bay fronted gable to one end and an integral garage to the opposite. The house is set within a sizeable front garden that has double access through an ornate wall and railing boundary treatment and this frontage area.
6. The property is set slightly back from its immediate neighbours but nevertheless there is present a fairly regular front building line whereby most properties align along a similar aspect, all with generous open space to their

frontages. I consider that this is a key characteristic of the streetscene here and also compliments the landscape edge of the park opposite.

7. The proposal before me seeks permission to erect a new, single storey pitched roof detached double garage to a part of this front garden which would nearly abut the front boundary. The structure would have a conical pitched roof and would be constructed out of complimentary materials to the main house. A small area of landscape would be provided for alongside the front boundary whose wall and railings would be altered to remove vehicular access here but would still accommodate a pedestrian gate.
8. The proposed garage would measure around 6m x 6m square, its eaves height would be approximately the same height as the top of the ground floor windows to the main house and the highest point of the conical roof would be around the same height as the eaves of the main house.
9. In assessing this scheme, I have taken note of the Council's Design Policy ENV3 of the Black Country Core Strategy and Policy SAD EOS9 of the Site Allocations and Delivery Development Plan Document both of which reflect the Framework in their approach to well designed development being based upon a sound understanding of context and a sensitive response to the character of an area.
10. With this in mind, I saw on my site visit that the openness of frontage gardens, albeit with landscape and boundary treatments partially obscuring them, provide a positive contribution to the overall character of the street. Despite the proposed matching materials and traditional design, the proposed garage would introduce a large structure set far in front of the appeal property and its associated building line along the street. This would introduce a structure that would be largely incongruous, prominent and harmful to the overall character of the streetscene here.
11. Despite the proposed presence of landscaping to somehow hide this building, the siting, scale, massing and height of the structure would still appear obvious within this context and as such the policy requirements outlined above cannot be met.
12. Although I note the examples of some other somewhat similar schemes for garages or outbuildings that would appear to protrude in front of other houses nearby, I do not have the precise information before me so as to enable me to fully understand the reasons behind these examples. I note however that there are few within such a regular streetscene as this and that the no two sites are directly comparable to the one before me. As such, I can only give these examples very limited weight and their presence does not outweigh the harm that this scheme would cause in this particular context.
13. Ultimately, the proposal before me would not contribute in a positive manner to the character and appearance of the area and it would be contrary to Policy ENV3 of the Black Country Core Strategy and Policy SAD EOS9 of the Site Allocations and Delivery Development Plan Document as well as the aspirations for good design as advanced in the Framework. As such this appeal must fail.

Conclusion

14. As such, for the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR



Costs Decision

Site visit made on 4 April 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/G4620/D/25/3360499

Whitehaven, 6 Hill Lane, Great Barr, Birmingham B43 6NA

- The application for costs is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Sandwell Metropolitan Borough Council for a full award of costs against Mr Inderjit Sanghera.
 - The application Ref: DC/24/69937 was refused proposed double garage and landscaping to foregarden.
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Decision

1. The applications for full award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this case the Council has placed a counter claim of costs against the Appellant following their own claim for costs with regards this appeal. This claim is due to what the Council consider were unreasonable behaviours on the Appellant's part through them submitting a second planning application that they were aware would likely be refused a second time and the alleged desire from the outset to apply for costs against the Council. Moreover, the Council feels that the application for costs from the Appellant represents further unreasonable and unprofessional behaviour due to the allegations made and the absence of any pre application advice that could have addressed many of the issues raised prior to further applications being submitted.
4. In assessing this application for costs I recognise that the Appellant could have, had they wished, undertaken dialogue with the Council through the pre application process. Further to this, were it correct that the Appellant was actively seeking costs from the outset then this becomes a much more serious matter. However, I do not have enough evidence before me to allow me to make this judgement beyond reasonable doubt and, in this case, I am obliged to make allowances for the Appellant's inexperience in dealing with such matters.
5. As such, I am not fully convinced that this appeal was intentionally unreasonable on behalf of the Appellant and I consider that they genuinely may

have had a different experience through other applications in other areas which led to their frustration in believing that more discussion should have taken place.

6. Although I appreciate that this appeal has led to more work and expense from the Council I do not consider that the actions of the Appellant fully and convincingly represent unreasonable behaviour as defined in the Planning Practice Guidance. For this reason, and having regard to all other matters raised, an award of costs is not therefore justified.

A Graham

INSPECTOR



Costs Decision

Site visit made on 4 April 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/G4620/D/25/3360499

Whitehaven, 6 Hill Lane, Great Barr, Birmingham B43 6NA

- The application for costs is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Inderjit Sanghera for a full award of costs against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref: DC/24/69937 was refused proposed double garage and landscaping to foregarden.
-

Decision

1. The applications for full award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this case the Appellant is aggrieved primarily due the Council allegedly failing to engage proactively in their dealing with the planning application that was submitted, and, moreover, failing to discuss the refused scheme prior to determination or appeal. The Appellant is also aggrieved due to the Council allegedly not taking into account the suggested precedent examples of potentially similar, though not identical, schemes within the local area. As such the Appellant states that they have incurred unnecessary costs in engaging professional services for the application and subsequent appeal. The Appellant believes that this constitutes unreasonable behaviour.
4. In assessing this application for costs I have received comment from the Council dismissing these concerns and stating that the Council followed due process and that the reasons for refusal were set out in the Officer's report. Moreover, the Council suggest that they offer a pre application service that would have enabled such discussion prior to an application, but this was not engaged with by the Appellant. They point out that no changes were received during the subsequent application and that an email from the Appellant was suggesting that the Council retrospectively alter their decision which they were unable to do.
5. In assessing this appeal for costs I do not deem it inappropriate behaviour for the Council to refuse an application due to their opinion that the application

would not meet the relevant policies without discussion over what they obviously considered were fundamental issues. Moreover, it is common for Local Authorities not to engage in dialogue should such a scheme be deemed to be significantly against such policy and it would appear that 'tweaks' to the submitted scheme would not have enabled the proposal to meet the policy criteria. The Council do however offer the pre application service which could have provided some more constructive dialogue and enabled a potential solution to be found but this was not undertaken.

6. Although I appreciate the frustration involved in this application and although the ultimate refusal of planning permission did result in the need for this appeal and the costs associated with it, I do not consider that the actions of the Council represent unreasonable behaviour as defined in the Planning Practice Guidance. For this reason, and having regard to all other matters raised, an award of costs is not therefore justified.

A Graham

INSPECTOR



Appeal Decision

Site visit made on 20 February 2025 by M Long BA (Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/G4620/D/24/3357136

28 Hackett Road, Rowley Regis, Sandwell B65 0RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Orgille Taylor against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/24/69512.
 - The development proposed is a two-storey side extension to existing single family home.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The proposed drawings indicate that the first-floor front elevation of the extension would be marginally set back from the ground floor front elevation of the extension. Indeed, the description of the proposal on the Council's decision notice states 'Proposed two and single storey side extension'. In any case, I have used the description of the proposal on the planning application form for the purpose of the appeal banner heading as it accurately defines the substantive scale and position of the proposal and, when read in conjunction with the proposed plans and supporting evidence, the premise of the appeal proposal is clear.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. The site is in a residential estate largely comprised of semi-detached pairs and short terraces of a similar architectural style which contribute to a prevailing sense of consistency in the street scene. Located on a prominent corner plot, the appeal dwelling forms part of a semi-detached pair characterised by symmetry owing to their comparable widths, balanced hipped roof profile with a central chimney, similar external materials and a mirrored fenestration pattern. Many of the other semi-detached pairs in the area also have comparable widths to one another. There are some limited instances close to the appeal site where side extensions

have reduced symmetry including for example at No 27 Hackett Road (No 27), which is on the opposing corner to the appeal site.

6. Due to the considerable width of the side extension, it would compete with the width of its host. Its dominance would be emphasised by the greater width of its ridgeline in comparison to the ridgeline of the main dwelling, as well as the ground floor front window which would be much wider than existing windows on the principal elevation of the dwelling.
7. While the extension would be set down from the ridgeline and set back from the front, this would only be by marginal distances. I also accept that matching external materials would be utilised. Even so, these factors would not be sufficient to assimilate the unsympathetic scale of the extension with its host, nor would they mitigate the unacceptable loss of symmetry across the semi-detached pair.
8. While two-storey in scale, the side extension at No 27 does not have as wide an appearance as the appeal proposal and it also has window openings that relate more closely to the size of other windows on the front elevation of No 27. Therefore, when viewed together, the proposal would not clearly reflect this neighbouring extension. Furthermore, this nearby extension and the one at 66 Harrold Road were considered in a different planning policy context as they were granted planning permission in 2007 and therefore prior to the current development plan and the publication of the National Planning Policy Framework. In any case, they do not reflect the prevailing order and consistency in the area which includes many semi-detached pairs which retain an overall symmetry.
9. I conclude that the proposal would harm the character and appearance of the area. As such, it would not accord with Policy SAD EOS 9 (Urban Design Principles) of the Sandwell Site Allocations and Delivery Development Plan Document (2012) which seeks to prevent poor designs, particularly those that are inappropriate in their locality, for example, those clearly out of scale with or incompatible with their surroundings. It would also conflict with Policy ENV3 (Design Quality) of the Black Country Core Strategy (2011) which seeks high quality design.
10. For the same reasons, the proposal also conflicts with the National Planning Policy Framework, which seeks to ensure that developments are sympathetic to local character, and the Sandwell Metropolitan Borough Council's Revised Residential Design Guide: Supplementary Planning Document (2014) which sets out that extensions must be in proportion to the scale of the existing dwelling and street scene.

Other Matters

11. The proposal would improve the living accommodation available to current and future occupiers, particularly in terms of the potential to meet the needs of larger families and those working from home. Nevertheless, this is a private benefit to a single household and does not justify the harm to the character and appearance of the area.
12. The proposal would generate economic benefits in its construction and furnishing and may potentially increase the council tax payable. However, in the context of an extension to an extension to an existing dwelling, such benefits would be modest and do not outweigh the identified harm. The lack of concerns raised with regard to

issues such as local ecology, safety and crime also do not justify the harm to the character and appearance of the area.

Conclusion and Recommendation

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

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR