



Appeal Decision

Site visit made on 24 June 2025 by T Morris BA (Hons) MSc

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

Appeal Ref: APP/G4620/D/25/3365647

71 Victoria Road, Oldbury, Sandwell B68 9UJ

- 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 & Mrs G Cheema against the decision of Sandwell Metropolitan Borough Council.
 - The application reference is DC/25/70360.
 - The development proposed is proposal for construction of single storey rear extension and granny annexe.
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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.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area, and
 - ii) the living conditions of neighbouring occupiers, in terms of outlook and daylight.

Reasons for the Recommendation

Character and appearance

4. The appeal site comprises a two-storey semi-detached dwelling situated in a predominantly residential area. Many of the dwellings in the area including the appeal property have single storey rear extensions. While some of these vary in design, they are generally modest in depth and do not project significantly into the rear gardens which remain predominantly open. The consistency of the area arising from the generally modest rear extensions together with the spacious rear gardens contributes positively to the character and appearance of the area.
5. Due to the significant depth of the bedroom and en-suite section of the proposed single storey rear extension, it would be an excessive projection into the rear garden. This would unacceptably contrast with the modest depth of extensions in the area, and it would undermine the generally spacious characteristics of rear gardens on this part of Victoria Road. Furthermore, due to its excessive depth

combined with the mono-pitch roof with its highest section adjacent to the side boundary, the extension would be an obtrusive feature when experienced from the neighbour's immediate rear garden. Consequently, the extension would be an incongruous addition to the appeal property, and the use of matching materials would not be sufficient to assimilate the proposal with its surroundings.

6. While the appellant asserts that there is a precedent established by extensions in the surrounding area, including at No's 69, 73 and 75 Victoria Road, this contrasts with my own observations. On my site visit I observed that although single storey rear extensions vary in design in the vicinity of the site, they are clearly modest in depth compared to the appeal scheme. Accordingly, none of the extensions referred to, nor those in the surrounding area justify the harm of the proposal on the character and appearance of the area.
7. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. The proposal would conflict with Policy ENV3 of the Black Country Core Strategy (BCCS) (2011) and Policy SAD EOS9 of the Site Allocations and Delivery Development Plan Document (SADDPD) (2012), which amongst other matters, require that development proposals are of a scale which is compatible with their surroundings. It would also conflict with the Revised Residential Design Guide Supplementary Planning Document (SPD) (2014), which states that extensions which are clearly out of keeping with their surroundings will be resisted. For the same reasons, the proposal would be contrary to the high-quality design objectives of the National Planning Policy Framework (the Framework).

Living conditions

8. The existing dwellings either side of the appeal site are positioned in line with the appeal property, and they both have single storey rear extensions. The proposed single storey rear extension would project beyond the rear extensions at the neighbouring properties.
9. However, the snug section of the proposed single storey rear extension would not project significantly beyond the rear extension of 73 Victoria Road (No 73). Furthermore, its height would not project substantially above the wall and hedgerow which forms the side boundary to No 73. For these reasons, I am satisfied that the proposal would not result in harm to the living conditions of occupiers of No 73, in terms of outlook and daylight.
10. Conversely, due to its considerable depth and its proximity to the side boundary fence, the bedroom and en-suite section of the proposed single storey rear extension would be a conspicuous feature when experienced from the immediate rear garden area and the kitchen window of 69 Victoria Road (No 69). Combined with its height above the side boundary fence to No 69, the extension would have an overbearing effect on outlook from their kitchen window. Furthermore, due to the relative orientation of the dwellings as well as the scale and siting of the extension, it would also reduce the level of daylight experienced from the kitchen window of No 69 and this only adds to my concerns. There is insufficient detailed evidence in the appellants submission to lead me to a different conclusion on this matter.
11. The appellant states that the kitchen window at No 69 should not be considered a habitable room, because it does not have internal space for dining and seating. However, there is limited evidence before me which indicates that this is the correct

interpretation of habitable rooms in the local circumstances. In my view, a kitchen is a habitable room whether or not it has a dining or seating area, as it is likely to be used for considerable periods of time for the purposes of cooking and cleaning. Consequently, the absence of a space for dining and seating in the kitchen of No 69 does not justify the harm of the proposal on living conditions.

12. I therefore conclude that the proposal would have a harmful effect on the living conditions of neighbouring occupiers, in terms of outlook and light. The proposal would therefore conflict with Policy SAD EOS9 of the SADDPD, which requires that development proposals are appropriate in their locality and compatible with their surroundings. It would also conflict with the SPD which states that extensions which impact on neighbouring properties will be resisted, as well as the Framework in terms of ensuring that developments create a high standard of amenity.
13. On this main issue, the proposal would comply with Policy ENV3 of the BCCS as that policy seems to relate to matters of design rather than living conditions. Even so, this does not justify the harm to living conditions which I have described.

Other Matters

14. The appellant contends that the appeal proposes the extension as a 'larger home extension' which permits an extension of up to 6m in depth for a semi-detached property. The appellant further states that for various reasons, the proposal would comply with the permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order, Schedule 2, Part 1, Class A and should be approved.
15. However, it is not within the confines of this appeal, under S78 of the Town and Country Planning Act 1990, for me to determine the lawfulness of the development or otherwise. The appeal follows a householder planning application specifically seeking planning permission and I have considered it on that basis. There are other mechanisms available to the appellant to establish lawfulness for the reasons they have set out.
16. In addition, the appellant's concerns regarding the way in which the Council processed and determined the application, including the lack of communication and opportunity to discuss the proposal, is not a matter which would lead me to a different conclusion on the appeal. I also acknowledge that the proposal would improve the living conditions of occupiers of the property, but this matter does not justify the harm of the proposal I have identified under the main issues. Similarly, the limited number of neighbour objections does not alter my findings overall.

Conclusion and Recommendation

17. For the reasons given above, the proposed development would conflict with the development plan, and there are no other considerations which would alter this conclusion. I therefore recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Baxter

INSPECTOR