



Appeal Decision

Site visit made on 29 July 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/G4620/W/25/3366580

4 Oak Road, Oldbury, Sandwell B68 0BE

- 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 Jetmir Terziu and Mrs Elsa Tselai against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/25/70160.
 - The development proposed is to demolish existing house and re-build together with rear/side double storey extension, with loft conversion and porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The property was the subject of a previous planning approval¹, though works have not been executed in accordance with the approval, which has resulted in enforcement action, the appeal being a result of refusal of the submission to address the Council's concerns. However, during my visit. It was apparent that there was some discrepancy between the application drawings and what was constructed on site. I have assessed the proposal based on the plans that the application was determined on.
3. During my site visit, it was apparent that the completed, waterproof shell of the dwelling was already in place and therefore, the appeal is for retrospective development.

Main Issues

4. The effect of the development on the character and appearance of the surrounding area, and on the living conditions of neighbouring occupants with regards to daylight, overshadowing and outlook.

Reasons

Character and Appearance

5. The appeal property is one half of a pair of semi-detached dwellings, located to the north side of the road within a residential street of similar properties, which run uphill from the appeal property. Many properties within the road have been the subject of alteration and extension, in a mix of architectural styles and detail, which has resulted in the loss of balance to many of the pairs of semi-detached

¹ DC/23/68042

properties. There are examples where adjacent pairs of semi-detached properties have become conjoined by adjacent side extensions, resulting in the formation of terraces stepping up the hill. The character of the area is therefore one of a mixed residential suburb.

6. The adjacent 2 Oak Road (No 2), a corner property, has been the subject of previous extensions to the side and rear, including the formation of a significant gable to its principal elevation, together with a two-storey rear gabled extension projecting from the rear elevation. A single storey, flat roofed extension infills between this rear projecting gable and the appeal property boundary.
7. The development at the appeal property has replaced the semi-detached dwelling and single storey garage, with two-storey development with a gable to the principal elevation, together with an entrance canopy and porch. The projecting two-storey bay windows have been re-built, matching the pattern of development in the area. Whilst the scale of the appeal development is larger than previously existed, taking two-storey development close to the boundary, it is not out of scale with surrounding development.
8. The overall frontage of the appeal property is smaller than the frontage of the property at No 2. It therefore does not create imbalance in the pair of semi-detached dwellings, over that which currently exists. The development does not step in front of the building line of other properties on the road, and I therefore find the scale and form of development to the principal elevation, not to harm the character and appearance of the area.
9. The appeal development to the rear is not visible within the public realm for people travelling on foot or in a vehicle within the immediate vicinity. However, it would be visible to those residents in surrounding properties, who would see the development from their rear gardens and dwellings, particularly the neighbouring properties at No 2 and 6 Oak Road (No 6), and those backing onto the appeal property on Forest Road.
10. The appeal development has introduced a gabled roof to the projecting two-storey rear extension on the No 6 side. There are numerous examples of rear facing two-storey projecting gable development within the immediate vicinity, such as at No 2 and 10 Oak Road. I therefore find that the introduction of a gable to the previously approved flat roof extension is not out of character with the area and would not harm its appearance.
11. However, the previously approved dormer, which was on the original rear roof slope of the property, has been moved forward, such that it is effectively on the same line as the external wall of the extended first-floor bedroom below. This creates the effect of three-storey development almost up to the common boundary with No 2. As a result of the dormers size and position, well in front of the line of the original rear roof slope, and its dark colour, its sense of dominance is increased.
12. My attention has been drawn to other extended properties with roof dormers in the area. However, the circumstances of each are likely to be different, and in any event the fact that other rear roof dormers exist is not a reason, on its own, to allow harmful development. I have considered this appeal on its own merits and have found that the flat roofed dormer development is at odds with the surrounding pattern of development in the area, and it would have a notable adverse effect on character and appearance for the reasons set out above.

13. I conclude that the flat roofed dormer element of development to the rear of the property, demonstrably harms the character and appearance of the surrounding area. It follows therefore, that I find the development is contrary to policies CSP4 and ENV3 of the Black Country Core Strategy (2011), policy SAD EOS9 of the Sandwell Metropolitan Borough Council - Site Allocations and Delivery Development Plan (2012) (SAD). These policies require that development, among other things, provides high quality design which enhances local character, reflects local distinctiveness, and by its scale, architectural design and materials, respect the pattern of neighbouring development. The development is also contrary to the guidance contained within the supplementary planning document 'Revised Residential Design Guide', which, among other matters, seeks dwellings that are of an appropriate scale.

Living Conditions

14. The appeal property is located on the north side of Oak Road. The rear elevation is therefore north-facing and would not be subject to direct sunlight.
15. With regards to overshadowing, the mass of the appeal development, particularly the introduction of the flat-roofed dormer on the line of the rear wall above the lounge area, moving the effective three-storey mass further to the rear of the property, creates overshadowing of a portion of the external garden space of the neighbouring property at No 6 in the early morning, affecting the appeal property itself during the middle part of the day, and affecting a portion of the garden of the neighbouring property at No 2 in the afternoon and evening, to the material detriment of their living conditions.
16. The introduction of the gabled roof to the previously approved rear flat-roof extension over the dining room and bedroom area, because of its roof pitch and location, does not have detrimental effects on the outlook for neighbours from within primary windows of No 6 or No 2, as it is outside the 45-degree angle of vision line.
17. The moving of the ground floor external wall of the lounge area, out to line up with that of the dining room, is not detrimental to the outlook from within the adjacent ground floor window of No 2, as the ground floor extension previously carried out at No 2, aligns with the appeal property rear wall. Similarly, the relationship between the upper floor bay window in No 2 and that of the first floor of the appeal development, is such that the 45-degree line of vision from the centre of the bay window is not compromised by the appeal development.
18. However, outlook is not just limited to that from within the adjacent properties but also includes the outlook of neighbouring residents, from within their garden and outdoor spaces, towards the appeal development. The location and mass of the flat-roofed dormer, effectively on the line of the rear wall above the lounge area, creates a significant three-storey mass, which is prominent when viewed from ground level. The previously approved dormer was set back on the original roof slope of the appeal property. As a result, it would have been substantially screened by the flat roof area in front of it and would have been significantly less prominent than the appeal development.
19. I therefore conclude that the flat roofed dormer element of development to the rear of the property, causes notable harm to the living conditions of the occupants of the neighbouring properties, with regards to overshadowing and outlook. It follows

therefore, that the proposal would be contrary to policy HOU2 of the Black Country Core Strategy (2011) and the SPD, which require, among other things, development to provide high quality design which minimises any amenity impacts on neighbouring properties.

Other Matters and Planning Balance

20. It was evident at my visit, that there is a large single storey building under construction within the rear garden area of the appeal property. An outbuilding is identified on the existing and proposed site plans on drawing number: DWG202404230PL007. However, the building under construction on site is significantly greater in area than identified on the drawing. However, as I have determined this appeal on the basis of the submitted plans, rather than on the basis of what has been built, and the Council had no objection to the outbuilding shown on the plans, this has not altered my assessment of the appeal.
21. The Council have confirmed their current 5-Year Housing Land Supply (5YHLS) figure as 2.33 years. Accordingly, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged for decision making purposes.
22. There are no protected areas or assets as referenced in paragraph 11(d)(i) and footnote 7 of the Framework that would provide a strong reason for refusal. Therefore, the test set out in paragraph 11(d)(ii) applies, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including the key policies cited.
23. The development harms the character and appearance of the area and harms the living conditions of adjacent neighbours with regards to overshadowing and outlook. Consequently, I find it conflicts with the development plan when considered as a whole.
24. In terms of the benefits of the development, it does not boost the housing supply as it has not increased the number of dwellings. The occupants of the enlarged dwelling would be in an accessible location relative to local services, facilities and employment and the enlarged housing unit, when completed, would be energy efficient, and its construction is providing employment. However, as the scheme is a single house, these matters attract limited weight in favour of the development.
25. The Development Plan is more than five years old. The most important policies though within the plan for determining the application, with which the development conflicts, generally accord with those of the Framework. Therefore, the policy conflicts I have found attract full weight against the scheme in this case. The Framework confirms that good design is a key aspect of sustainable development and fundamental to what the planning and development process should achieve.
26. As set out above, collectively, the benefits attract limited positive weight in the planning balance. On the other side of the balance, I have found that there would be notable permanent harm caused to the character and appearance of the area, and the living conditions of neighbouring occupiers. Consequently, I consider that the adverse impacts of approval of the development at this location, would significantly and demonstrably outweigh the benefits of doing so. Accordingly, the scheme would not represent sustainable development and this weighs, to a large extent, against the development.

Conclusion

27. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR