



---

## Appeal Decision

Site visit made on 13 January 2026 by E Clifford BA (Hons) MA

### Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

---

### Appeal Ref: 6001924

#### 64 Bristnall Hall Road, Oldbury B68 9TU

- 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 John Tooth against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref is DC/25/70721.
  - The development proposed is described as 'single storey 3m extension'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and new boundary fence to rear garden at 64 Bristnall Hall Road, Oldbury, B68 9TU in accordance with the terms of the application, Ref DC/25/70721, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing no's: JT-001 (location plan), JT-003 (proposed drawings), JT-004 (proposed site plan), JT-005 (existing and proposed levels), JT-006 (existing and proposed fences).
  - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

### 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.

### Preliminary Matters

3. The neighbouring dwelling to which the Council's concerns relate is not specifically identified in the Council's decision notice or delegated report. However, it is clear from my observations on site, together with the photographs included and the assessment of development within the Council's accompanying report that the neighbouring dwelling referred to is 62 Bristnall Hall Road. I have therefore defined the main issue on this basis.
4. During the application process, the scheme evolved to include a new boundary fence. The description of development on the Council's decision notice makes this change clear and I have had regard to the proposed scheme in its entirety when

making my recommendation. I have used the Council's updated description of development in my decision.

## **Main Issue**

5. The main issues are the effect of the proposed development on:
- the character and appearance of the area; and
  - the living conditions of occupiers of 62 Bristnall Hall Road (No 62), with particular regard to light, outlook, and privacy.

## **Reasons for the Recommendation**

### *Character and appearance*

6. The appeal dwelling forms a semi-detached pair with No 62. The dwellings are two-storey, incorporate hipped roofs and have bay windows to front and rear elevations. This style is typical of this stretch of Bristnall Hall Road, and the houses are set back and down from the highway. They are accessed by steps, have shallow front gardens and are set within deep plots, which have steps down from their rear elevations to garden level. Several of the other dwellings along this stretch of Bristnall Hall Road benefit from rear extensions, including no 62.
7. Due to its modest scale, the extension would read as a proportionate addition to the host dwelling. Its symmetrical design, flat roof sitting below the first-floor bay and matching materials, would further ensure the extension would integrate well with the host dwelling. These factors also mean that the extension would be visually in keeping with its surroundings thereby meeting the design guidance in the Sandwell Metropolitan Borough Council Revised Residential Design Guide Supplementary Planning Document (2014) (SPD). Furthermore, whilst raised in height when compared with the existing fence, the design of the new fence would reflect the appearance of fencing commonly seen in rear gardens.
8. Thus, the proposed development would have an acceptable effect on the character and appearance of the area. In that regard, it would comply with the high-quality design and 'Urban Design Principles' in Policy ENV3 of the Black Country Core Strategy (2011) (CS) and Policy EOS 9 of the Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document (2012) (DPD).

### *Living conditions of No 62*

9. No 62 has a small single storey rear extension which is set in from the shared boundary fence and has a side elevation window facing this boundary. It also has glazed patio doors serving its rear elevation which are sited between this extension and the boundary.
10. There is no substantive evidence to suggest that the modest single storey extension or boundary fence would have any material effects on daylight or sunlight at No 62. Indeed, from my own observations, the rear extension at No 62 is also served by a rear facing window. Furthermore, the extent of glazing provided by the patio doors and the relative orientation of the proposal, accounting for the sun's path, also indicate that there would unlikely be any harmful loss of light to this neighbour.

11. The proposed development is of a single-storey scale and modest in depth. The flat roofed design would also give it a low profile. Furthermore, the replacement fence would only be slightly higher than the existing. These factors would ensure that occupiers of no 62 would retain suitable visibility of the sky and thus prevent any unacceptable sense of enclosure. Any sense of a tunnelling effect would be limited, given the relatively shallow depth of the proposed development and the generous size of the rear gardens which would retain a suitably open aspect for occupiers of No 62.
12. The rear extension would not have any fenestration to the side elevation facing No 62. More immediate views from the bifold doors to the rear elevation, taking into account internal floor heights and the indicated external levels including steps, would be largely screened by the fence and any views of the garden beyond this would be typical of a residential environment. Therefore, the proposal would not have any unacceptable overlooking impacts.
13. In conclusion, the proposed development would have an acceptable effect on the living conditions of occupiers of 62 Bristnall Hall Road, with particular regard to light, outlook and privacy. In that regard, the proposal complies with Policy ENV3 of the CS and Policy EOS9 of the DPD, which together seek successful place-making and require development to be compatible with its surroundings.
14. For the same reasons, the proposed development also meets the guidance in the SPD which seeks to resist residential extensions that unduly impact on neighbouring properties

### **Other Matters**

15. There have been third-party representations have been made questioning the actual depth of the proposed extensions. However, the drawings provided are to scale and when the elevations and site plan are read together the likely relationship with No 62 can be sufficiently understood. The representations also question whether the extension would breach any 45-degree guidance. However, the LPA have not referred to or provided any policies or supporting documentation to suggest that it has any such guidance. Even if the proposal breaches any 45-degree line guidance, this would not change my observations having regard to the scale of the proposal and the site-specific factors described.
16. Any small step required between the bifold doors and ground level would be a matter for the appellant to address. In any case, my recommendation is based on the plans before me and a small step would be unlikely to alter my findings on the main issue. Further third-party representations have been submitted covering a range of matters including concerns relating to a party wall agreement, foundations, property value, structural engineers' calculations, builders' indemnity, and a suggestion that the rest of the fence panels would need to be replaced to retain the aesthetics of the garden. However, these matters do not provide a compelling reason to withhold planning permission on the appeal proposals.

### **Conditions**

17. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans in the interests of certainty. To protect the character and appearance of the host dwelling and wider area, a condition requiring matching materials is also necessary.

### **Conclusion and Recommendation**

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*E Clifford*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*M Russell*

INSPECTOR