



Appeal Decision

Site visit made on 26 January 2010

by Geoffrey Hill BSc DipTP MRTPI

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
2 February 2010**

Appeal Ref: APP/R1845/A/09/2118663

44 Park Lane, Kidderminster DY11 6TE

- 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 N Newman against the decision of Wyre Forest District Council.
- The application Ref 09/0673/FULL, dated 28 August 2009, was refused by notice dated 30 October 2009.
- The development proposed is to erect a rear extension.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this appeal is the effect of the proposed extension on the character and appearance of the area.

Reasons

3. Policy D.17 of the Wyre Forest District Local Plan (WFDLP) sets out criteria which proposed extensions to existing residential properties should follow. No.44 is part of a prominent terrace of houses, very visible in the street scene and from other public vantage points along the adjacent canal. Whilst not listed or within a conservation area, the form, mass, scale, and simple proportions of the existing group merit respect and, in my view, any extensions or alterations should be seen to be in keeping with these characteristics.
4. Whilst the extensions would, in terms of volume, be subservient to the main building, because of the highly visible setting of this site they would unreasonably detract from the visual dominance of the original property. The flush setting of the flank wall as a lateral extension of the side of the original building would significantly increase the perceived mass of the building in the street scene, and create an architecturally awkward and unhappy junction of the eaves between the new and existing building. The window proportions would not respect the style and rhythm of the fenestration of the original building and its neighbours. That is, I do not consider the proposed scheme would harmonise with the existing townscape, as looked for by Policy D.17.
5. Furthermore, the site is adjacent to the Staffordshire & Worcestershire Canal Conservation Area. WFDLP Policy CA.1 seeks to protect views into and out of the conservation area, by requiring all new development to harmonise with the special character and appearance of the area. The Council has not submitted

a copy of a Conservation Area Character Appraisal to identify particular characteristics, but at my site visit I walked along the towpath both sides of Caldwellhall Bridge, and looked along the canal to appreciate its setting from the bridge itself. The canal has an essentially urban character at this point with a mixture of development fronting onto, or overlooking it. There is no consistent style or setting for the canal-side buildings; there are recently built three storey residential blocks within about 3-4 metres of the edge of the canal, older two-storey buildings right on the edge of the canal, larger industrial scale buildings, as well as the older housing in this part of Park Lane.

6. The Park Lane houses are set back from the canal by about 15-20 metres, with the back gardens forming part of the setting of the conservation area. The houses themselves relate well to the context and character of the area and these are qualities which should be respected when proposing new development. As discussed above, I consider the design, proportions and detailing of the appeal scheme would not be in keeping with the established character of this area and it would, therefore, detract from the setting of the conservation area, contrary to the objectives of the WFDLP policy.

Other matters

7. I note the concern raised by the occupiers of No.45 that the proposed extension would detract from their conditions of daylight and outlook. None of the parties to this appeal have drawn my attention to any policy on the relationship between a proposed extension and neighbouring properties and hence I am unable to state categorically whether the scheme proposed here would be acceptable or not, in terms of published guidance. However there is a general 'rule of thumb', used by many planning authorities, which states that an extension should not fall within a 45° angle of sight from the window of a neighbouring habitable room. Here the corner of the proposed extension would stand 3m from the rear elevation of the property and, scaling off the applications drawings, the centre point of windows to the rear of No.45 are 2.8m from the flank of the proposed extension. In which case, the extension would fall within the 45° angle of sight and it is likely that it would impinge upon the living conditions for the occupants of No.45.
8. I also note the concerns raised by occupiers of other properties in this terrace over rights of access and property boundaries. These are private rights and these concerns have not influenced the considerations which have led to my conclusion in this appeal.

Conclusion on the main issue

9. Taking these points together, I conclude that the proposed extension would harm the character and appearance of the area and the appeal should be dismissed.

Geoffrey Hill

INSPECTOR