



Appeal Decision

Site visit made on 2 July 2019

by Sarah Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/D4635/W/19/3224334

19 Copthorne Road, Wolverhampton WV3 0AB

- 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 Andrew Jervis against the decision of City of Wolverhampton Council.
 - The application Ref 18/01281/FUL, dated 26 October 2018, was refused by notice dated 31 January 2019.
 - The development proposed is separating the annex from the principal dwelling to create two independent residential units.
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Decision

1. The appeal is allowed and planning permission is granted for the separation of the annex from the principal dwelling to create two independent residential units at 19 Copthorne Road, Wolverhampton WV3 0AB, in accordance with the terms of the application Ref 18/01281/FUL, dated 26 October 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. There are discrepancies on the plans which came to my attention during my site visit. These relate to the floor plans and site plan which incorrectly show the true extent of the annex building to the rear.
3. I requested amended plans in order to correct what appeared to be errors, but a response was not forthcoming from the appellant. I have therefore determined the appeal on the basis of the plans as submitted as part of the planning application, although I was able to see the full extent of the annex building and the host property as part of my site visit. It would be open to the appellant to rectify the inaccuracies by means the submission of a further planning application to the Council should the main parties consider that to be necessary.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Copthorne Road Conservation Area.

Reasons

5. Copthorne Road along with a section of Penn Road to the east and Stubbs Road to the south, forms the Copthorne Road Conservation Area (CA). This largely comprises an area of late 19th and early 20th Century housing with a mix of

semi-detached and detached properties of varying scale, design and materials. Copthorne Road is a quiet, suburban residential tree-lined street with a variety of housing of visual diversity on each side. The houses are set back a short distance from the pavement with parking either to the front or side. Property frontages vary in width and style with some hidden behind high hedges and others behind low boundary walls. Many of the properties also include decorative and imposing bay windows. Collectively, the aforementioned attributes add positively and distinctively to the character and appearance of the CA.

6. The appeal site comprises a large detached dwelling and a detached garage to which is attached a purpose-built annex. The planning history provided by the Council details that planning permission was granted in July 2002 for the annex with a condition restricting its use to an extension to 19 Copthorne Road (No 19). The reason for the imposition of the condition is *'in the interests of amenity of the occupiers of No 19 and surrounding residents.'*
7. No 19 is of townscape merit and contributes positively to the character and appearance of the CA with its large chimneys, decorative bays and imposing proportions. It has a wide frontage which is laid to gravel providing off street parking. A brick wall and tall hedge bound the pavement to the front of the main house. To the front of the garage and annex, the parking area is open to the street. The frontage would be split between No 19 and the annex and garage, however no physical alterations are proposed. These are matters that could be retained and controlled by means of removing specified permitted development rights including the need to submit details, if any, of boundary treatments.
8. Additionally, there are no proposed alterations to the front elevation of the garage and annex. Overall, when viewed from the street, the frontage would not appear to be any different to now. Subject to the imposition of planning conditions, the proposed development would preserve the character and appearance of the CA.
9. The main house is one of few within the CA that has a very large rear garden. The proposal would result in the creation of two separate garden areas in different ownership. However, in visual terms, there would be very little difference from the situation now. The proposed separate garden area is already delineated by established planting that separates it from the remaining garden area of the host property: No 19 retains most of the area which is both proportionate and acceptable in living conditions terms. There are extremely limited views in to the garden to the rear of No 19, and it is considered that the physical adjustment of the boundary to the rear would preserve the character and appearance of the CA.
10. For the collective reasons outlined above, I conclude that the proposed development would not harm the character or appearance of the CA. Consequently, it would accord with Policies D4, D6, D9, HE1, HE3, HE4, HE5 of the Wolverhampton Unitary Development Plan 2001-2011 and Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy which, among other things, seek to protect local distinctiveness, to promote good design and to preserve and enhance conservation areas.

Conditions

11. The conditions set out below are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance. I have not included some of the conditions suggested by the Council. Given the size and limited visibility of the rear garden areas, I do not consider that there is exceptional justification for removing permitted development rights in respect of development in these areas. As no external alterations are proposed, it is not necessary to impose a materials or joinery condition. The proposal is essentially for a change of use and given this, coupled with the fact that only one additional dwelling is proposed, I do not consider that it would be reasonable or necessary to impose a planning condition relating to construction working hours.
12. It is necessary to impose the standard three-year time limit commencement of development condition even though this was not suggested by the Council. A condition to require the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of certainty.
13. There is exceptional justification for the removal of specified permitted development rights in the interests of the living conditions of the occupiers of the respective dwellings and the character and appearance of the CA.
14. In the interests of the character and appearance of the CA, a planning condition is necessary relating to the approval of bin storage details. In the interests of environmental sustainability and air quality requirements, a planning condition is necessary relating to the provision of an electric vehicle charging point for the annex building. In order to minimise parking on the highway and in the interest of highway safety, it is necessary to impose a planning condition requiring the retention of on-site parking and turning facilities on the site.

Conclusion

15. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Sarah Hanson

INSPECTOR

Schedule of Conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan scale 1:1250 No 19 Copthorne Road, Penn
 - Existing Elevations and Floor Plans 19 Cop/01 Rev a – Jan 2019
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, replacing and re-enacting that Order with or without modification) no windows or other form of opening above ground floor level shall be introduced into the elevations of the building hereby permitted, without prior planning permission being obtained.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, replacing and re-enacting of that Order with or without modification) there shall be no extension of any building forming part of the development hereby permitted, without prior planning permission being obtained.
5. Prior to the occupation of the annex building details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. Only boundary treatments which have been approved by the local planning authority shall be formed/erected on the site.
6. Prior to the occupation of the annex building, bin storage details shall be submitted to and approved in writing by the local planning authority. Bin storages shall be provided in accordance with the approved details prior to first occupation of the annex building and retained at all times thereafter.
7. Prior to occupation an Electric Vehicle Charging Point (EVCP) must be installed within the parking area for the new dwelling and should comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32-amp, 7 Kw. The EVCP shall thereafter be retained.
8. The parking areas and turning space, shown on the approved plan (18 47 08) shall be kept available for the parking and turning of vehicles in connection with the use hereby approved, at all times.