
Appeal Decision

Site visit made on 2 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/D4635/D/19/3225964

6 Gorey Close, Wolverhampton WV12 5YP

- 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 Ms Aimee Lamedica against the decision of Wolverhampton City Council.
 - The application Ref 19/00018/FUL, dated 8 January 2019, was refused by notice dated 27 February 2019.
 - The development proposed is a two-storey side & single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development, as stated on the application form, is set out above. The Council, on the decision notice, has described the development as two storey side/rear extension and single storey rear extension. This more accurately describes the proposal and I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of 4 Gorey Close (No 4) with particular reference to outlook and levels of daylight.

Reasons

4. 6 Gorey Close is a modern two-bedroom semi-detached property within a suburban residential area. The appeal site is part of a housing area that is characterised by similar styled closely positioned dwellings with parking and gardens to the front and modest sized gardens to the rear.
5. Policy D8 of the Wolverhampton Unitary Development Plan 2006 (UDP) states that proposals should not adversely affect people's amenities in respect of immediate outlook, loss of daylight/sunlight and loss of privacy. The Council's Supplementary Planning Guidance 4 Extension to Houses (1996) (SPG) indicates that development should not prejudice the amenities which occupiers of adjoining properties can reasonably expect to continue to

enjoy. Any proposal should not significantly reduce the sunlight or daylight to any habitable room of adjoining properties nor have an overbearing impact and adversely affect neighbouring amenities such as outlook and enjoyment of garden space.

6. The SPG indicates that rear single-storey extensions to semi-detached properties will normally be acceptable where they are no more than 2.5 metres long. The single storey element of the extension marginally exceeds this guidance but would be of limited depth and would not be unduly overbearing nor would it cause a significant reduction in levels of daylight to the ground floor rooms in both neighbouring properties. Consequently, there would be no material harm to the living conditions of the occupiers.
7. The appellant demonstrates on the proposed first floor plan how the two-storey rear projection has taken into consideration the use of the 45 degree rule to minimise any negative impact of the development on the neighbouring property, and argues what may be achieved under permitted development rights. The 45 degree rule is an indicator to show whether there is a potential overshadowing issue with a proposed development rather than a tool to acknowledge acceptability.
8. Nevertheless, the Council's SPG informs that two-storey rear extensions on semi-detached houses, where the extension abuts the boundary with the adjoining property, will not normally be acceptable. This is because such extensions can be overbearing and over-shadow the neighbouring property. No 4 has a window to a habitable room very close to the proposed rear extension which is the only opening to this bedroom. I acknowledge that the roof would slope below the top part of the window, however, the outlook would still be dominated by the brick wall and the side of the dormer window. Because of the proximity and orientation of the proposed extension, light levels entering the room would be reduced thereby causing harm to the occupiers of the neighbouring property.
9. For the reasons stated above, I consider that the combined depth, height and proximity of the proposed extension would result in a loss of outlook and reduced levels of daylight that would be harmful to the living conditions currently enjoyed by the occupiers of No 4. The proposal would be contrary to Policies D4, D8 of the UDP and CSP4 and ENV3 of the Black Country Core Strategy 2011 (BCCS) which seek, among other things, to protect the amenity of occupiers of adjoining properties. Policies D6, D7 and D9 of the UDP, in my opinion, relate more specifically to character and appearance. Guidance in the Council's SPG as noted above has also been considered in reaching my decision.

Other Matters

10. The appellant points out that a single storey rear extension could be erected at the appeal property without the need for planning permission. However, a single storey extension would not be as high as the proposal before me and therefore not directly comparable.

Conclusion

11. For the reasons given above, I conclude the appeal should be dismissed.

S Hanson

INSPECTOR