
Appeal Decision

Site visit made on 17 April 2019

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/D4365/D/19/3223078

4 Wergs Hall Road, Wolverhampton, WV6 9DA

- 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 Balbir Ghateaura against Wolverhampton City Council.
 - The application Ref 18/01481/FUL, dated 28 September 2018, was refused by notice dated 30 January 2019.
 - The development proposed is a Two Storey Side Extension and Single Storey Front and Rear Extensions and Proposed Boundary Wall, fence and Gates to Frontage
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension, single storey front extension, single storey and two storey rear extension with Juliet balconies, dormer window to rear roof elevation and with the terms of the application, Ref 18/01481/FUL, dated 28 September 2018 and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

2. The description of the proposed development was revised before the appeal was made and the amended description is included on both the application decision notice and the appeal form submitted by the appellant. I consider the revised description is more accurate than the original and have therefore used it in considering this appeal.
3. The Council has not submitted an officer report or statement in support of this appeal. I have queried this with the Council and was advised that their case relies on the decision notice. Therefore, I have determined the appeal on this basis, as well as on my own observations having visited the site.

Main Issues

4. The main issues are;
 1. The effect of the proposal on the living conditions of the occupiers of Nos. 2 and 6 Wergs Hall Road, with particular regard to loss of light and outlook; and
 2. The effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. Given that No.6 Wergs Hall Road sits further into its plot than the appeal property, the proposed rear extension would project only a small distance beyond the rear elevation of the adjacent dwelling. Whilst the proposed single storey element of the scheme would come up to the joint boundary with No.6, the two storey element would be set back from that boundary by approximately 3.8 metres. The main part of the neighbour's home is also set away from that boundary by a similar distance. Cumulatively, these factors would limit the effect of the proposed development upon No.6. Consequently, the proposal would not have an overbearing impact upon the neighbouring property or its rear garden, nor would it unacceptably harm the level of daylight or sunlight which they currently experience.
6. The side elevation of No.6, includes a first floor bedroom window which faces the appeal dwelling. Due to the level of separation between this window and the proposed two storey rear extension - as well as the limited depth of that extension - I am satisfied that the scheme would not significantly harm the outlook or level of light to this bedroom window. Whilst the proposed development would obscure views from the window over the appellant's rear garden, the views are over private garden land and limited views are common to side windows. Consequently, I attach limited weight to this consideration in support of dismissing the appeal.
7. In terms of the relationship with No.2 Wergs Hall Road, both the proposed extension and the neighbouring property would be set off the joint boundary. I note that the appellant has submitted a drawing showing the relationship of the proposed two storey rear extension with the neighbour's first floor rear bedroom window, which demonstrates that the proposal would fall within the 45 degree rule line. Given the distance which would be retained between this window and the proposal, and also taking into account the limited depth of the proposed extension, there would not be a significant loss of light or outlook to this window, nor would there be a sense of overbearing.
8. For the reasons above, I conclude that the proposed development would not harm the living conditions of the adjacent residents of both Nos.2 and 6 Wergs Hall Road, in terms of light and outlook. The proposal therefore accords with Policies D4, D6, D8, D9 and H6 of the Wolverhampton Unitary Development Plan (2006) and Black Country Core Strategy Policy (2011) Policy TNP12 which, taken together and amongst other things, seek to safeguard the living conditions of existing residents through good quality design which respects the context of a site.

Character and appearance

9. Wergs Hall Road includes a variety of house styles, with no uniform development pattern in terms of the level of space between properties. It is acknowledged that the proposed first floor side extension would fill in the space above the existing garage, when viewed from Wergs Hall Road. Whilst this would bring the mass and height of the appeal property close to the boundary with No.6, it would not undermine an existing development pattern. In addition, given that No.6 includes a single storey side garage, the vista through the two

properties and a degree of separation would be retained; the sense of spaciousness would therefore not be lost.

10. Consequently, the proposed development would not have caused harm to the character and appearance of the area. The proposal therefore accords with Policies D4, D6, D8, D9, and H6 of the Wolverhampton Unitary Development Plan (2006), the Black Country Core Strategy Policy (2011) TNP12 and paragraphs 127 and 130 of the National Planning Policy Framework (2019) which, taken together, seek to achieve high quality design which responds to local character.

Other Matters

11. Given the distance and angle between the neighbour's conservatory and the proposed first floor rear windows/Juliet balconies, as well as the fact that the proposed side windows would be obscure glazed, there would not be any direct views between the development and the conservatory. I am therefore satisfied that the proposal would not give rise to an unacceptable level of overlooking in this respect.

Conditions

12. I impose conditions in regards to timescales and setting out the approved plans to provide certainty. I also attach a condition in relation to external materials in the interests of the character and appearance of the area.

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:

Proposed Floor Plans and Elevations: 2016/P100 – Rev D, Site Location Plan – Project Number 2016 and Block Plan Project – Project Number 2016

3. No above ground construction works shall commence until details /samples (detailing the colour, texture and profile) of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Conclusion

13. I conclude that the proposal would accord with the development plan and there are no material considerations that would indicate that the appeal should be dismissed. Therefore, for the reasons given, the appeal is allowed.

Rebecca McAndrew

INSPECTOR