
Appeal Decision

Site visit made on 18 November 2019

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2019

Appeal Ref: APP/D4635/D/19/3239051

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 19/00392/FUL, dated 2 April 2019, was refused by notice dated 23 September 2019.
 - The development proposed is a two-storey side and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the neighbouring property at 4 Gorey Close.

Reasons

3. 6 Gorey Close is a modern two-bedroom semi-detached property located within a suburban residential area. The housing estate is characterised by similar styled closely positioned semi-detached and detached dwellings with parking and gardens to the front and modest sized gardens to the rear. The proposed extension would wrap around the rear and side of the property and replace an existing single storey kitchen area. The extension to the rear would be single storey whereas at the side it would include a bedroom at first floor level.
4. The projection of the proposed single storey extension to the rear of No 6 would not give rise to issues relating to daylighting on both neighbouring properties. However, the nature of the proposal is such that that the 2 elements of the proposal are clearly not severable both physically and functionally so a split decision would not be feasible.
5. The two-storey element of the extension would be constructed up to the boundary and side elevation of the property directly adjacent to the detached house at No 4 Gorey Close. The extension would be set back from the frontage and below the eaves to reduce the terracing effect. However, this would result in brickwork directly facing and blocking the window to the bathroom of the neighbouring property leaving little, if any, daylighting or space for occupiers of No 4 to maintain/ replace the window. The appellant considers this would be

acceptable as a bathroom is not a habitable room. I disagree and consider this element of the proposal would be harmful.

6. There are a number of properties nearby that have been extended at first floor level, but these appear to be in circumstances where there was sufficient space between the adjoining properties to permit the extension without directly blocking a window opening on the side elevation.
7. For the reasons stated above, I consider that the location of the proposed first floor extension would result in the blocking of the bathroom window to the side elevation of No 4. This would result in a loss of daylighting and maintenance access that would be harmful to the living conditions of current and future occupiers of No 4. As such the proposal would be contrary to Policies D4, D8 and H6 of the Wolverhampton Unitary Development Plan 2006 (UDP) and CSP4 and ENV3 of the Black Country Core Strategy 2011 which seek, among other things, to encourage high quality design and protect the amenity of occupiers of adjoining properties. I agree with the Inspector of a previous appeal at this address (APP/D4635/D/19/3225964) that Policies D6, D7 and D9 of the UDP quoted by the Council in its Decision Notice relate more specifically to character and appearance.

Conclusion

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

David Carter

INSPECTOR