



Appeal Decision

Site visit made on 9 December 2019 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/D4635/D/19/3238237

24 Mickley Avenue, Wolverhampton WV10 9YF

- 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 Wayne Jasmin against the decision of Wolverhampton City Council.
 - The application Ref 19/00680/FUL, dated 13 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is first floor extension at the side.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey rear extension, two storey side extension and porch at 24 Mickley Avenue, Wolverhampton WV10 9YF in accordance with the terms of the application, Ref 19/00680/FUL, dated 13 June 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plan: A110 Rev A *General Arrangement*

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Although the proposal before me has been described as only a first floor extension I note that the submitted plans including a single storey extension to the side and rear of the host dwelling. I am aware, from the appeal submissions and my site visit, that permission¹ has been granted for a single storey extension similar to the ground floor of the proposal before me, but that it has not been carried out yet.

¹ 18/00463/FUL

4. The description in the heading above has been taken from the application form. However, given the previous permission has not been carried out and the submitted plans show a ground floor extension, I have amended the description to read "the erection of a single storey rear extension, two storey side extension and porch" in order to encompass the development as a whole.
5. I acknowledge that the ground floor extension has already been approved and that this permission is still extant. Therefore, my reasoning focuses on the effect of the proposed first floor addition.

Main Issues

6. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the host dwelling and local area; and,
 - the living conditions of the occupiers at No 22 Mickley Avenue with particular reference to outlook.

Reasons for the Recommendation

Character and Appearance

7. The appeal site is located on the south side of Mickley Avenue and contains a semi-detached two-storey dwelling with parking to the side and a garden to the rear. Mickley Avenue is a residential street characterised by simple semi-detached dwellings. The proposal includes the erection of a single storey extension at the rear of the dwelling along with a porch and two-storey extension at the side. I understand that permission has been granted for a single storey extension of a similar style to the ground floor of the proposal before me.
8. By way of its siting set back from the front elevation and down from the main roof the first floor extension would be subservient to the main dwelling. Moreover, the extension is largely of a simple form and appearance which would be in keeping with the host dwelling and street scene. Although I acknowledge the addition to the main roof, this would not be visually intrusive or harmful to the host-dwelling or local area by way of its position in relation to public views. While the ground and first floor extensions would be sizeable and the portion at the side of the host dwelling would be in a prominent position visible from the public highway, the majority of the development has already been approved under the previous permission. I find that the proposal before me would not result in a form of development which would be inappropriate for the size of the host dwelling and appeal site.
9. In all I conclude that the proposal would not be overdevelopment, nor would it be out of character by way of its scale, massing or appearance to the host dwelling or the local area. It would therefore not cause an unacceptable impact on the character and appearance of the surrounding area. There would be no conflict with character and appearance aims of Policies D4, D6, D7, D8, D9 or H6 of the *Wolverhampton Unitary Development Plan* (WUDP) or Policy ENV3 of the *Black Country Core Strategy* (BCCS)

Living conditions

10. No 22 Mickley Avenue is set at right angles to the appeal site with the boundary between the two plots cutting through at a diagonal, causing the

garden to extend behind the appeal site. On the rear of No 22 at the ground floor level is a fully glazed patio door and, further from the appeal site, a window. Above the patio doors, at first floor level, is a large window which appears to be clear glazed. Above the ground floor window is a smaller window. The outlook from the windows and doors would be across the rear garden and is likely to feel open with little impact from the appeal site or other neighbouring dwellings.

11. The proposed first floor extension would be set back from the rear garden of the No 22 and out of direct views from their windows. It is therefore likely that there would be no significant impact on the outlook from, or light to windows on the ground and first floor or patio doors. However, given the proximity of the extension to the shared boundary, there is likely to be some impact on the rear garden of No 22 but any sense of overbearing would be limited to the closest portion of the garden, given that there would be sufficient useable space further from the extension, which would be unlikely to be significantly affected, I find that it would not make the garden a less pleasant place to use.
12. In light of the above I find that the proposal would not cause any significant impact on the outlook of the neighbouring occupiers at No 22 Mickley Avenue. There would not therefore be, as a result of the proposed first floor extension, any unacceptable harm on the living conditions of the neighbouring occupiers. In this way the proposal would not conflict with the living conditions aims of Policies D4, D8 and H6 of the WUDP.
13. Although Policies D6, D7 and D9 of the WUDP, and Policy ENV3 of the BCCS were included within the reason for refusal given by the Council in respect of the effect on No 22, I find that these policies do not relate directly to the living conditions of neighbouring occupiers.

Other Matters

14. Although I acknowledge the Council's argument that the dwelling is a 'starter home' due to its size, I have not been directed to and I am not aware of any policy restricting the future development of such dwellings. In light of the above I give this matter limited weight.

Conditions

15. The Council has suggested conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the National Planning Policy Framework and the Planning Policy Guidance.
16. I find that to ensure clarity a condition is necessary requiring that the development is carried out in accordance with the approved plans. Moreover, in the interests of the character and appearance of the building, a condition is required to ensure that the external materials of the extension match those of the host dwelling.

Conclusion and Recommendation

17. For the reasons given above I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

Kenneth Stone

INSPECTOR