
Appeal Decision

Site visit made on 4 February 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2020

Appeal Ref: APP/D4635/D/19/3237782

13 Uplands Avenue, Merry Hill, Wolverhampton WV3 8AA

- 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 Matthew Hand against the decision of Wolverhampton City Council.
 - The application Ref 19/00891/FUL, dated 30 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is a first-floor rear extension to improve the internal living arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear extension to improve the internal living arrangements at 13 Uplands Avenue, Merry Hill, Wolverhampton WV3 8AA in accordance with the terms of the application, Ref 19/00891/FUL, dated 30 July 2019, subject to the following 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: Drawing Numbers PC/19/01 01; PC/19/01 02; PC/19/01 03 and PC/19/01 04.
 - 3) 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.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the development on the living conditions of adjoining occupiers.

Reasons

4. The appeal site comprises a detached dwelling, with associated driveway and private rear garden. It is set within a linear row of dwellings along Uplands Avenue. The existing dwelling has a single storey rear extension and the proposed development would extend above this to provide additional bedroom and bathroom space. The extension would project from the existing eaves level and would have a shallow pitch from the existing dwelling. It would incorporate 3 rear dormer windows, facing the rear garden.
5. The appeal site is flanked to both sides by residential properties. To the west is No 15 Uplands Avenue, which is a detached dwelling. It is located adjacent to the side boundary of the appeal site and has a number of rear windows at both first and ground floor levels. The ground floor windows are reasonably well screened by the existing boundary fencing.
6. Whilst the extension would project beyond the rear elevation of No 15 at first floor level, I have considered the extent of the proposed projection and, in combination with the sloping roof and the set in of the dormer windows from the side elevation, I do not find that the position and scale of the extension would be unduly harmful to the living conditions of the neighbours in terms of an overbearing impact, overshadowing or in terms of outlook from the rear windows.
7. In addition, due to the orientation of the properties there is unlikely to be an unacceptable loss of sunlight to the rear of the neighbouring property. The Appellant has identified that the proposal would meet the 45-degree rule and the Council have not put forward any evidence which would dispute this.
8. To the east of the appeal site is No 11. Similarly, due to the extent of the projection and the overall height and scale, I do not find that the extension would harm the living conditions of the occupiers of this property. The Council, in their reason for refusal, have referred to No 17 as an adjoining property. However, No 17 is set beyond No 15 and therefore would not be harmfully impacted upon by the proposed development.
9. Accordingly, the proposed development would not result in harm to the living conditions of neighbouring occupiers. It would therefore comply with Saved Policies D7 and D8 of the Wolverhampton Unitary Development Plan 2001 – 2011 (2006) and Policy ENV3 of the Black Country Core Strategy (2011). Collectively these seek to ensure that development is of a height that relates positively to its surroundings, makes a positive contribution to the locality and is of a high-quality design, amongst other things.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. A condition requiring the materials to match the existing dwelling is necessary in the interests of a satisfactory appearance. The Council have requested a condition to remove permitted development rights for additional windows in the side elevations of the building. However, permitted development rights should only be removed in exceptional circumstances and the Council have not indicated any such circumstances that would justify the inclusion of such a condition in this instance. I have therefore not imposed this condition.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

R Norman

INSPECTOR