



Appeal Decision

Site visit made on 19 May 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2020

Appeal Ref: APP/D4635/D/20/3246432

8 Gibbons Grove, Wolverhampton, West Midlands WV6 0JF

- 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 Ali Khan against the decision of Wolverhampton City Council.
 - The application Ref 19/01075/FUL, dated 9 September 2019, was refused by notice dated 27 November 2019.
 - The development proposed is porch and bay window to frontage, first floor bedroom extension and second floor addition.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions for occupants of the host dwelling having particular regard to provision of suitable off-street parking facilities and private garden space; and
 - the living conditions for occupants of No 12 Crowther Road with particular regard to outlook and privacy.

Reasons

Living conditions for occupants of the host dwelling

3. The Council's 'Extension to Houses' Supplementary Planning Guidance (1996) (SPG) states amongst other things that in some instances it may not be possible to extend a dwelling for example where there are site constraints. It refers amongst other things to amenity space being of a standard to support the scale of the dwelling and that rear amenity space serving dwellings of 4 bedrooms or more should be at least 15 metres (m) in length.
4. The existing dwelling has 3 bedrooms. There is a dispute as to whether the proposal would result in a 4 or 5-bedroomed dwelling. The proposed study has internal floor dimensions less than, but close to, the rearmost proposed first floor bedroom. On this basis, it would be reasonable to conclude that there is the potential for the study to also be used as a bedroom. Either way, the proposal would result in a larger 4 or 5-bedroomed dwelling with an increase in accommodation compared with the existing situation.
5. The main external area is positioned to the side, rather than the rear of the dwelling and shares boundaries with the footpath on Gibbons Grove and the front garden and driveway serving No 8A Gibbons Grove. As a result, the

- garden is not in the optimum position in terms of privacy and separation from activity in the street. The increased scale of the dwelling and potential increase in occupants would emphasise the existing deficiencies of the site in terms of the ability to provide suitable private rear garden space.
6. The SPG states amongst other things that driveways should be at least 5.5 m in length from the back edge of the pavement. It suggests that a typical 3-bedroom house should normally have space for the parking of two vehicles within the curtilage including any space within a garage. Extensions involving the erection of more bedrooms will increase the demand for parking provision.
 7. The dwelling is currently served by a shallow hard paved forecourt less than 5.5 m in depth and an attached garage. These factors indicate parking provision already falls below the advice in the SPD. The additional bedroom accommodation that would be provided has the potential to increase demand for parking provision on an already constrained site.
 8. I have given regard to the personal circumstances of the appellant. However, any planning permission would apply to the land in question. Whilst the SPG is guidance, I find it more persuasive in my assessment as to whether garden and off-street parking provision on the site would be commensurate to serve the extended dwelling. The extensions would increase the potential for a larger family with increased car ownership to occupy the property. Given the constraints of the site identified above, this would have the potential to compromise suitable living conditions.
 9. To conclude, the proposal would not provide suitable living conditions for occupants of the extended dwelling having regard to the provision of private outdoor space and off-street parking facilities. Consequently, in those regards, the development would be contrary to Policy D4 (Urban Grain) of the Black Country Core Strategy (2011) (CS) and Policy H6 (Design of Housing Development) of the Wolverhampton Unitary Development Plan (2006) (UDP) which state amongst other things that the relationship of proposed buildings to the spaces around them should not constitute overdevelopment and that development should include appropriate parking arrangements and adequate private garden space. The proposal would also be contrary to the SPG and Paragraph 127 of the National Planning Policy Framework (the Framework) which requires that development provides a high standard of amenity for existing and future users.

Living conditions for occupants of No 12 Crowther Road

10. The SPG acknowledges that extensions should not prejudice the amenities which occupiers of adjoining and nearby properties can reasonably expect to continue to enjoy. Amongst other things extensions should avoid overlooking of neighbouring habitable rooms or private gardens. Any extension through its siting, height or mass should not adversely affect neighbouring amenities such as outlook or enjoyment of garden space.
11. There is an established relationship in terms of rear elevations of dwellings on Gibbons Grove being positioned within relatively close proximity to the rear boundaries shared with properties on Crowther Road. Even so, the proposal would increase the height and mass of the host dwelling, most notably through the extension of brickwork to provide two rear facing gables at second floor level. Whilst the proposed second floor windows would be obscure glazed, the

- introduction of windows at this level and their close proximity to the boundary would increase the perception of being overlooked for occupiers of No 12.
12. Consequently, the composition of the extended rear elevation and its position close to the rear boundary would appear more imposing from the rear garden serving No 12 than the current situation. It would be overbearing for occupiers of this neighbouring dwelling, both from windows to its rear elevation and from within the rear garden serving this neighbour.
13. The appellant contends that a rear extension at No 12 has pushed the use of the neighbouring garden space towards the boundary with the appeal site. Even so, I must assess the proposal on its own merits taking into account the current relationship between properties. This matter does not therefore justify the harm I have identified to living conditions for occupiers of No 12.
14. My attention has been drawn to a previous planning permission at the appeal site¹ with the suggestion that the height of the extended dwelling would be no higher than the previously approved scheme. However, the evidence before me indicates that the previous proposal did not include brickwork or windows at second floor level to the rear elevation facing No 12. I therefore do not find the previous permission persuasive in my assessment of the appeal proposal.
15. To conclude, the proposal would have a harmful effect on the living conditions of occupiers of No 12 Crowther Road with particular regard to means of outlook and privacy. Consequently, in that regard, the development would be contrary to Policies D4 (Urban Grain), D7 (Scale - Height), D8 (Scale - Massing) of the CS and Policy H6 (Design of Housing Development) of the UDP which amongst other things require that proposed buildings should not constitute over development leading to cramped layouts and/or obtrusiveness in relation to adjoining properties, are of a height and mass which relate positively to their surroundings and do not adversely affect people's amenities including in respect of outlook and privacy. For the same reasons the proposal would also be contrary to the SPG and Paragraph 127 of the Framework.

Other Matters

16. The Council's decision refers to the proposal constituting an overdevelopment of the site but is specific that this relates to external space for parking and garden space rather than the character and appearance of the area. Given both the main issues in this case relate to living conditions I have not identified any specific conflict with Policies ENV3 (Design Quality) or CSP4 (Place Making) of the CS or Policy D9 (Appearance) of the UDP. Even so this does not overcome the conflict with the other identified Development Plan policies and the Framework referred to under the two main issues.

Conclusion

17. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR

¹ LPA Ref 19/00286/FUL