
Appeal Decision

Site visit made on 5 June 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/D4635/W/20/3247036

198 Cannock Road, Wednesfield, Wolverhampton WV10 8PT

- 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 Mandip Shergill against the decision of Wolverhampton City Council.
 - The application Ref 19/01218/FUL, dated 16 October 2019, was refused by notice dated 26 November 2019.
 - The development proposed is 1 No. 2 Bed Bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of adjacent occupiers with particular regard to noise and disturbance.

Reasons

Character and Appearance

3. The appeal site consists of a two storey detached dwelling and associated large rear garden. The prevailing character and appearance of the area consists of a mix of detached, semi-detached two storey properties and bungalows. These follow a well-defined building line, fronting directly onto the street, with long rear gardens providing a spacious feel to the area.
4. The proposed bungalow would be positioned behind the building line, within the rear garden on No 198. This would significantly reduce the length of the garden. It would not follow the established layout of development in the area and would diminish the sense of spaciousness.
5. Whilst I accept there are a mix of building styles within the surrounding area, including bungalows, the location of the proposed dwelling would not respect the established pattern of development, and would be harmful to the prevailing character and appearance of the area.
6. I note the similarities of the adjacent bungalow at 198A, and those on Pear Tree Lane. However, those differ to the proposal in that they front directly onto the street and follow an established building line.

7. I have considered the plot measurements provided by the appellant. Whilst these show some similarities in the ratio of garden to buildings in the area, they do not take into account the form of development, which would not be in keeping with pattern of surrounding properties.
8. Consequently, the proposed dwelling would harm the character and appearance of the area. It would not accord, with Policies CSP4, ENV3, HOU2 of the Black Country Core Strategy (2011) and Policies D4, D6, D7, D8, D9 and H6 of the Wolverhampton Unitary Development Plan (2006) and paragraph 127 of the Framework, which collectively seek to ensure that the form, scale and layout of development respects the character of the area.

Living Conditions

9. The proposal is to utilise the existing access and driveway off Cannock Road. This runs along the shared boundary with No 196, which has a single storey garage to the side. To the rear the properties are separated by a high level timber fence.
10. The Council are concerned that the comings and goings to the proposed dwelling would cause noise and disturbance. However, the existing garage at No 196, and the boundary treatments afford a degree of separation and screening, that would provide a certain degree of containment.
11. As such, and based on the evidence before me, the comings and goings associated with the one additional dwelling would not result in any significant noise and disturbance to adjoining occupiers at 196 Cannock Road.
12. Consequently, the development would not harm the living conditions of adjoining occupiers. It would accord with HOU2 of the Black Country Core Strategy (2011) and Policy H6 of the Wolverhampton Unitary Development Plan (2006) which seek to protect the living conditions of neighbouring residents.

Other Matters

13. I note that the proposed amenity space would exceed the space requirements contained in the Council's guidance¹, and that the bungalow would be designed for disabled access. However, these matters do not outweigh the harm identified above.
14. I acknowledge the presence of the adjacent timber outbuilding in the garden of No 198A. However, there is no evidence before me that it is a separate residential dwelling. Therefore, this does not alter my findings.

Conclusion

15. Although I have found no harm from the proposal on living conditions, I have found there would be harm to the character and appearance of the area. This is the prevailing consideration. Therefore, having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR

¹ Wolverhampton Council Residential Development Supplementary Planning Guidance No. 3