



Appeal Decision

Site visit made on 14 July 2020 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Appeal Ref: APP/D4635/D/20/3249122

Tudor Villa, Finchfield Gardens, Wolverhampton WV3 9LT

- 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 Avtar Suniara against the decision of Wolverhampton City Council.
 - The application Ref 19/01105/FUL, dated 16 September 2019, was refused by notice dated 17 January 2020.
 - The development proposed is the extension of an attached garage at the front of the existing house, partial side extension over the garage at first floor, and rear two storey and single storey extensions, plus a dormer window in the rear roof.
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Decision

1. The appeal is allowed, and planning permission is granted for the extension of an attached garage at the front of the existing house, partial side extension over the garage at first floor, and rear two storey and single storey extensions, plus a dormer window in the rear roof at Tudor Villa, Finchfield Gardens, Wolverhampton WV3 9LT in accordance with the terms of the application, 19/01105/FUL, dated 16 September 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 development hereby permitted shall be carried out in accordance with the approved plans listed: 110 rev B, 111 rev C, 112 rev E, 113 rev C, 120 rev B, 121 rev B, Tree Survey, 180622-1.0-TVFG-TP-NC, Arboricultural Method Statement
 - 3) No development shall be carried out within the Root Protection Areas (RPA) as shown in Appendix A of the Arboricultural Method Statement until a construction method statement, demonstrating how the development and its associated works will protect the retained trees, has first been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved construction method statement.

Application for costs

2. An application for costs was made by Mr Avtar Suniara against Wolverhampton City Council. This application is the subject of a separate Decision.

Appeal Procedure

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

Main Issue

4. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the Bantock House Conservation Area (BHCA); and,
 - The living conditions of the neighbouring occupiers at Fairways with particular regard to outlook.

Reasons for the Recommendation

Character and Appearance

5. The appeal site contains a large detached mock-Tudor dwelling on the north side of Finchfield Gardens, a residential street located within the BHCA.
6. The BHCA covers a wide area and from the information available to me it appears that Finchfield Gardens forms a distinct area. From my site visit and the documents before me, I note that the significance of Finchfield Gardens stems from the age of the properties and their appearance set in spacious and verdant gardens. The dwellings are largely set back from the road by a mixture of landscaping and driveways, with the larger buildings striking a somewhat grand appearance. It was also clear during my visit that there was no overriding architectural style in the street, although I noted a number of buildings in the Dutch Colonial style raised by the parties.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
8. By way of their traditional design and materials the alterations to the front elevation, including to the garage and the first-floor extension, would not adversely affect the appearance of the host dwelling. While the proposals to the rear would be far more substantial and contemporary in appearance, this would help protect the legibility of the original dwelling and would not harm the important characteristics of the conservation area outlined above. Nevertheless, given their relatively screened positioning at the rear of the property I find that only very minor glimpses would be likely. Screening, although to a lesser degree, would also be afforded by the mature trees which are protected by their siting within the BHCA, and so are unlikely to be removed. As such the proposal would not affect the spacious and verdant appearance of the appeal site as visible from Finchfield Gardens. In this way the proposal would preserve the character and appearance of the BHCA.

9. Although sizeable, the apparent bulk of the proposal would be broken down by its design, including the extensive use of glazing and the flat roofs. In light of its design the proposal would not be out of scale with or disproportionate to the host dwelling, or the surrounding properties which are not of a uniform size.
10. In light of the above I find that the proposal, with particular regard to the two-storey rear extension would not harm the character and appearance, or views in to, or out of the BHCA. The proposal would therefore comply with Policies EVN2, ENV3 and CSP4 of the Black Country Core Strategy (BCCS) which collectively seek development to be of high quality design, support place-making and protect the historic environment. The proposal would also comply with Policies D4, D6, D7, D8, D9, HE1 and HE5 of the Wolverhampton Unitary Development Plan (WUDP) which collectively seek for development to preserve the local and historic character and distinctiveness of any area, with particular regard to specific aspects of design.
11. Although the Extensions to Houses Supplementary Planning Guide No 4 was also referred to by the Council it did not draw attention to any specific advice that was of particular relevance to this appeal and I have considered the document in that light.

Living Conditions

12. The neighbouring property to the west of the appeal site is Fairways, a detached bungalow with a first floor within the roof. The closest parts of Fairways to the appeal site is the garage, at the front, and a single storey side extension. The extension contains a multi-purpose room which is served by a window and large set of patio doors on the east elevation, another set of patio doors to the north, and three roof lights. The outlook to the rear is currently very open with views across the garden. From the side, the outlook is more limited given the close proximity of the side boundary and Tudor Villa's garage. Views over these are, although to a lesser extent, limited by the side of Tudor Villa.
13. The proposal would maintain a space between the first floor and the shared boundary with Fairways. Moreover, due to the angle of Fairways and the proposed extension at Tudor Villa, the fronts of the two properties would be closer than their rears. In this way, although the two-storey extension would reduce the outlook afforded to the side window and doors at Fairways, it would not result in an overbearing feature. By reducing the overall height of the first floor, the use of a flat roof would further limit any overbearing impact.
14. Notwithstanding the above, I find that the patio doors on the rear elevation of the multi-purpose room provides a good, open outlook across the rear garden which is beneficial to the whole room. In this way, even with the limited impact identified above, the quality of accommodation provided by the room is protected by the rear facing patio doors. Moreover, while there are first floor dormer windows which face towards the appeal site, these are set further back from the shared boundary. As such I also find that the outlook afforded to the rooms they serve would not be unacceptably affected.

15. For the reasons set out above I find that the proposed extensions would not harm the living conditions of the occupiers at Fairways, with particular regard to outlook. The proposal would therefore comply with Policies D4, D7 and D8 of the WUDP which collectively seek, amongst other things, the protection of living conditions including outlook from obtrusiveness and overbearing impacts. While Policy ENV3 of the BCCS and Policy D6 of the WUDP were also referred to by the Council, I did not find that they directly related to this reason for refusal.

Other Matters

16. Concerns have been raised regarding the ability of the existing drainage serving Finchfield Gardens to accommodate the enlargement of Tudor villa. I find that the increase in the size of the existing dwelling is not so significant as to likely result in an unacceptable decrease in surface water drainage on site. Regarding foul-water drainage, the evidence before me is not sufficient to demonstrate that the additional accommodation would lead to such harm as to warrant a refusal.
17. It has also been suggested that the development is likely to lead to damage to the road, which is unadopted. I have not been provided with any evidence to show that the road is at any more than a theoretical risk of damage, and I have therefore not attached any weight to this issue.
18. There are a number of mature trees across the appeal site, some of these would be close to the footprint of the proposal. While it is likely that some of these would be at risk during development, I find that this risk could be mitigated by attaching suitable conditions.

Conditions

19. 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 Framework and the Planning Policy Guidance.
20. I find that to ensure clarity a condition is necessary requiring that the development is carried out in accordance with the approved plans. Moreover, as the trees on the site provide a visual and ecological benefit, I find that in the interests of their protection a condition is required to ensure the development is constructed in such a way as to not adversely affect them or their roots. Although such a condition was not suggested by the Council in their questionnaire response, it did form part of their committee report during the planning application, it would therefore not be a surprise to either of the main parties.

Recommendation

21. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

22. 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