



Appeal Decision

Site visit made on 17 August 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/D4635/D/20/3246083

97 Taunton Avenue, Wolverhampton WV10 6PN

- 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 A Langley against the decision of the City of Wolverhampton Council.
 - The application Ref 19/01324/FUL, dated 18 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is 2 storey side extension and internal alteration with new conservatory roof.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the header above is taken from the application form. It is slightly different to the description on the Council's decision notice but satisfactorily describes the proposal.

Application for costs

3. An application for costs was made by Mr A Langley against the City of Wolverhampton Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect on the living conditions of the occupiers of 99 Taunton Avenue (No 99) in respect of outlook and light.

Reasons

5. The area to the front of the garages and between the side walls of the appeal property and No 99 is vacant of buildings or boundary features. This space allows a degree of direct sunlight to reach the ground and first floor windows in No 99's side wall. The gap also provides a limited outlook from these windows.
6. The proposed 2 storey extension would lie on the boundary of the site and would fill in about half of the space between the properties. The gap between the boundary and the side of No 99 would remain, but nevertheless the proposed extension would be markedly closer to the neighbouring property than the existing house. By virtue of its height and proximity, the side extension would appear significantly more obtrusive and overbearing than the existing building when viewed from No 99, particularly from the side windows

towards the back of the house. As such, the proposal would reduce the outlook from No 99.

7. Furthermore, by reason of its height and positioning, the extension would block more direct sunlight from reaching the side windows of No 99 compared to the current situation. The additional overshadowing would be limited given the close relationship between the properties and the loss of light to the side kitchen window would be acceptable as the rear facing windows to that room would not be affected by the proposal. However, it appears the first floor side window is the only opening serving a bedroom. Reflected light from the side of the proposal would not fully compensate for the additional overshadowing of this bedroom window.
8. The appellant refers to other side extensions to houses in the area although I have limited information on their exact location, whether they benefit from planning permission or the circumstances that has led to them being deemed acceptable. In any event, from the details provided, none of these are so similar to the appeal proposal to affect my views on this main issue.
9. For the above reasons, I conclude the proposal would harm the living conditions of the occupiers of No 99 in respect of outlook and light. Consequently, in this regard, it would be contrary to policy D8 of the Wolverhampton Unitary Development Plan 2001-2011 (UDP) which seeks to ensure, amongst other things, that development does not harm the amenity of a property in terms of immediate outlook and loss of light. The Council's refusal reasons also refer to UDP policies D6, D7 and D9 as well as policies CSP4 and ENV3 of the Black Country Core Strategy 2011. While these policies encourage a high quality of design, they include no provisions relating specifically to the effect on living conditions of occupiers of properties and so are not directly relevant to this main issue.

Other Matters and Conclusion

10. The proposal would not lead to any harmful overlooking of adjoining houses and would be sympathetic in appearance to the host property and surrounding area. Also, no concerns have been raised in respect of the proposed internal works or the re-roofing of the conservatory. Acceptability in these regards is a neutral factor in my assessment.
11. The proposal would be a benefit in providing additional living space. However, the personal aspirations of the appellant do not address or override the harm that would be caused in respect of the main issue.
12. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR