



Appeal Decision

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

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/D4635/D/20/3250691

12 Yew Tree Lane, Wolverhampton WV6 8UF

- 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 Charnjit Ram against the decision of Wolverhampton City Council.
 - The application Ref 20/00063/FUL, dated 21 January 2020, was refused by notice dated 17 February 2020.
 - The development is proposed double storey side and rear extension and loft conversion.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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 Issues

3. The main issues in this case are the effect of the proposal on:
 - The character and appearance of host dwelling and street scene, and
 - The living conditions of the neighbouring occupiers at 10 Yew Tree Lane with particular regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

4. No 12 Yew Tree Lane is an L-shaped two-storey dwelling, part of a pair of semi-detached properties which form a C-shape on the west side of Yew Tree Lane. The front projection contains a bay window with a large gable end above. Within the crook of the L is a smaller, two-storey projection over which is a small gable. The adjoining neighbour, No 10 Yew Tree Lane, is similar in appearance but has had a two-storey side extension to the north. Despite these alterations, there exists a degree of symmetry between the two properties which is reflected in the similar pair of semi-detached properties to the north.

5. The appeal property has a planning history which includes planning permission for a double storey side and rear extension and loft conversion¹. Whilst I have not been provided with the full details of this planning permission, I am informed that the design of this approved extension which is of a similar height and size to that which is proposed, includes a hipped roof rather than the proposed small gable.
6. Both parties agree that the projecting larger gable is a key design feature of the appeal property and other similar properties in the street. Moreover, the appellant accepts that a hipped roof, as in the previously approved scheme promotes the main gable as a focal point. This is evident in the side extension at No 10 which has been set back from the front elevation and is served by a hipped roof. As a result, the extension appears visually subservient to the front projection and retains the legibility of the C-shape.
7. Although the proposed development would be set back from the front elevation and would be set down from the existing roof, it would be similar in form and scale to the existing main front-gable. Whilst the new gable feature would be smaller than the existing gable feature, rather than balance the appearance of the property, it would compete with the importance of the original projecting gable and would detract from the character and appearance of the property to a harmful degree. It would also unbalance the semi-detached pair of properties of which the host dwelling forms part.
8. It follows that the proposal would erode the contribution the host dwelling makes to the character and appearance of the street scene. Accordingly, it would also result in harm to the established character and appearance of the street scene given its prominent position, visible from the road.
9. For the reasons set out above, I conclude that the proposed development would harm the character and appearance of the host dwelling and the street scene. The proposal would therefore conflict with Policies D4, D6 and D9 of the Wolverhampton Unitary Development Plan (WUDP) which collectively seek development to be of a good quality and respect local distinctiveness. The proposal would also conflict with Policy ENV3 of the Black Country Core Strategy (BCCS) which, amongst other things, supports high quality design.

Living Conditions

10. No 10 has a number of windows to the rear. Closest to the appeal site, and on the ground-floor is a large bay window serving what appears to be a living room. The room is also served by a similarly sized window on the front elevation. From my observations on site, the outlook from both windows appeared open and unrestricted. Moreover, both windows appeared to afford good levels of natural light.
11. Although the ground floor of the proposal would be close to the shared boundary, the first floor would be set away from it. Given the setback nature of the first floor and its height and bulk, I find that the development would be unlikely to appear overbearing when viewed from the rear living room window. Moreover, given the height of the ground floor extension above the existing boundary, the outlook would not be unduly restricted.

¹ 19/01285/FUL.

12. Yew Tree House, a large modern dwelling, is located to the south of the appeal site and is set further back within its plot than Nos 10 and 12. Given its massing, and its relationship with Nos 10 and 12 I find that it already limits the levels of light reaching the rear of No 10, and in particular the living room window. Thus, I consider the scale and location of the proposal before me is unlikely to result in an unacceptable reduction in sunlight to the house and garden over and above the existing level. Moreover, the front living room window is of a similar size to the rear window and would retain its open outlook and good levels of direct sunlight. Consequently, I consider that there would be no adverse impact on light levels or outlook in this room as a result of the proposal.
13. Given the distance from, and relationship between, the other rear windows of No 10 and the appeal site, I find that the proposal would not cause material harm to the outlook or level of light currently enjoyed by the occupiers of No 10. Likewise, given its length, width and open nature, I find that the rear garden would not be affected by a loss of light or outlook to a harmful degree.
14. Due to the existing boundary fence between the appeal site and Yew Tree House, it would be unlikely that the windows serving the proposed spice kitchen would result in overlooking towards Yew Tree House. Moreover, given the relationship between the proposed extension and Yew Tree House, as well as the proposed obscure glazing of the windows serving the landing and en-suite to bedroom 4, it would be unlikely that a loss of privacy to Yew Tree House or its garden would result.
15. In light of the above, I find that the proposal would ensure that the living conditions of occupiers of No 10 Yew Tree Lane and Yew Tree House would be maintained as a result of the proposal in accordance with Policies D7 and D8 of the WUDP which, amongst other matters, seeks to protect the living conditions of neighbouring occupiers. While the Council has also referred to Policy ENV3 of the BCCS I find that this Policy is not directly relevant to this main issue.

Other Matters

16. I have taken into account the appellant's comments regarding the master bedroom layout and the increased construction costs of the proposed development when compared to the previously approved scheme. Whilst I acknowledge the benefits the proposal would bring to the appellant and his family I am mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances. Moreover, I have noted the appellant's comments in regard to permitted development concerning extensions, but they have not influenced my decision.

Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR