



Appeal Decision

Site visit made on 22 December 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2020

Appeal Ref: APP/D4635/W/20/3259114

56 Emerson Road, Wolverhampton WV10 8DE

- 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 R Singh against the decision of Wolverhampton City Council.
 - The application Ref 20/00308, dated 24 March 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of the proposed dwelling and No 56 Emerson Road in respect the provision of private outside amenity space.

Reasons

Character and appearance

3. The appeal site comprises a semi-detached dwelling positioned on the corner of Emerson Road with Ruskin Road. There is a consistent rhythm of semi-detached dwellings on Ruskin Road. In respect of the residential properties within the vicinity of the aforementioned road junction, there are clearly defined buildings lines. There is also a pleasing sense of open space between the semi-detached corner dwellings and neighbouring properties. These attributes add positively and distinctively to the character and appearance of the area.
4. The proposed dwelling would be detached and would be positioned in the side garden of No 56 Emerson Road and adjacent to No 28 Ruskin Road. The gap between these two properties is slightly wider than the other gaps relating to corner dwellings in the immediate locality. The dwelling would be positioned forward of the common building line along Ruskin Road and would appear very tight within its plot. Owing to this, coupled with the two storey height of the dwelling, I find that the development would significantly detract from the otherwise sense of open space that exists between properties, thereby appearing cramped, visually dominant and out of place in the street-scene. Furthermore, it would depart significantly in layout terms from the clear

planned form that exists within this established residential area, in particular Ruskin Road.

5. For the above reasons, I conclude that significant harm would be caused to the character and appearance of the area. Therefore, the proposal would not accord with the design requirements of policies D4, D6, D8, D9 and H6 of the Wolverhampton Unitary Development Plan 2006 (UDP); policies CSP4 and ENV3 of the Black Country Core Strategy 2011; the Council's 'Residential Development' Supplementary Planning Guidance No 3 1996 (SPG) and Chapter 12 of the National Planning Policy Framework (the Framework).
6. In reaching the above view, I have taken into account the position and appearance of the detached dwelling approved at No 46 Leason Lane. I acknowledge that there are some similarities in terms of the appeal proposal and this development. Nonetheless, I have no reason to doubt the Council's comment that this was a former garage site and that it was previously developed land. Consequently, the evidence indicates that original site conditions are not directly analogous. In any event, I have determined this appeal on its individual planning merits and on the basis of its effect on the character and appearance of the immediate area.

Living conditions

7. In this case, the proposal would reduce the overall size of the outside amenity space for No 56 Emerson Road. However, the existing outside amenity space for this property is large compared to most of the other semi-detached dwellings in the area. The resultant private rear garden space would be small, but this would be adequately compensated by the fact that there would be space to the side of the host dwelling which could function as a private and useable additional garden area. Overall, I am satisfied that in this case the amount of private outside amenity space around the host dwelling would be acceptable, even accounting for the position of the existing rear conservatory.
8. In contrast, the amount of private outside amenity space for the proposed dwelling would be very small. Such private space would essentially be confined to the rear and would be irregular in shape. Overall, the amount of private outside amenity space for this property would be much less than other properties in the area. On balance, I do not consider that the amount of private outside amenity space for the proposed dwelling would reasonably meet the day to day requirements of future occupiers. Instead, the rear garden area would be tight and limited in size for a three bedroom house and there would be direct conflict with the Council's SPG which states that "*the Council will encourage a minimum length of rear garden for single and two storey family dwellings to be 11 metres*".
9. I therefore conclude that the proposed outside private amenity space would not be acceptable for the proposed dwelling. To this extent, the proposal would not therefore accord with the living conditions requirements of policy H6 of the UDP; paragraph 127(f) of the Framework and the SPG.

Other Matters

10. The proposal would make efficient use of land and would add to the choice of housing in the area. However, making efficient use of land should not be at

the expense of achieving good design or indeed ensuring appropriately sized private outside amenity space.

11. The appellant has referred to the site as being previously development land. However, the site is not previously developed land as it comprises a garden associated with No 56 Emerson Road and the glossary to the Framework states that previously developed land excludes "*land in built up areas such as residential gardens*".
12. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conclusion

13. I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR