
Appeal Decision

Site visit made on 14 October 2012

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021.

Appeal Ref: APP/D4635/D/21/3278202

73 Birches Barn Road, Wolverhampton WV3 7BL

- 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 Shez Duhra against the decision of the City of Wolverhampton Council.
 - The application Ref 21/00629/FUL, dated 26 April 2021, was refused by notice dated 30 June 2021.
 - The development proposed is a single storey rear garden room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of No 75 Birches Barn Road, in terms of loss of outlook and light.

Reasons

3. The proposed single storey rear extension would sit on the boundary with neighbouring property, No 75, and would project around 7.5 metres beyond the rear elevations of both properties. Given the excessive depth of this structure, as well as its position on the joint boundary, it would unacceptably harm the level of natural daylight to the French doors in the rear elevation of the neighbour's property.
4. The proposed extension would also create an unacceptable sense of overbearing and enclosure to No 75. The neighbouring property includes a two-storey rear projection. This, coupled with the overall mass of the proposed extension, would have a harmful tunnelling effect on the outlook of the neighbouring property.
5. In view of the above, the proposed extension would result in unacceptable harm to the living conditions of the existing, and any future residents, of No 75 and would reduce enjoyment of that property. The appeal scheme would therefore be contrary to policies D7, D8 and H6 of Wolverhampton Unitary Development Plan (2006), Black Country Core Strategy (2011) Policy ENV3, Paragraph 3.9 of Extensions to Houses Supplementary Planning Guidance 4 (1996) and Paragraph 130 of the National Planning Policy Framework which,

taken together, seek to secure high quality design which protects the living conditions of neighbouring residents.

Other matters

6. I recognise that the existing residents of No 75 have not objected to the proposal. However, given that I have found harm to the living conditions of the existing and any future residents of that property, this does not alter my decision.
7. The appellant indicates that the neighbours at No 75 also plan to extend their property, to align with the appeal proposal. The appellant also refers to a fallback position, stating that the appeal proposal would only be slightly larger than an extension which would be allowed under permitted development rights. However, I only have very limited information before me in respect of both of these possible structures. Therefore, in the absence of any clear evidence or certainty that either extension would be constructed, I attach limited weight to this in support of allowing the appeal.

Conclusion

8. For the reasons given, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR