



Appeal Decision

Site visit made on 26 October 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/D4635/W/21/3278333

90A & 90B Richmond Road, Wolverhampton WV3 9JG

- 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 G Mattu against the decision of Wolverhampton City Council.
 - The application Ref 21/00074/FUL, dated 21 January 2021, was refused by notice dated 18 May 2021.
 - The development proposed is the erection of detached three bedroomed dwelling house and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2021 and has replaced the 2019 iteration. The main parties had an opportunity to comment upon the implications of the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy; and
 - whether satisfactory garden space would be retained and provided for existing and future occupiers.

Reasons

Character and Appearance

4. The appeal site is located to the rear of 90A and 90B Richmond Road which are large properties occupying generous plots. Although there is some variety in the property types along this stretch of Richmond Road, it is the space within the sites, particularly the typically long gardens stretching to the rear, which give the area a spacious feel and established leafy character. The appeal site clearly reads in association with the properties and context on Richmond Road, although its corner location allows for its spacious characteristics to contribute positively to the Alder Dale street scene.

5. The proposed development would significantly truncate the rear gardens of Nos 90A and 90B. There would be limited space around the proposed dwelling and it would be sited close to neighbouring properties. By virtue of the sub-division of the characteristically large rear gardens and the introduction of built form, which would appear cramped in its contextually small plot, the proposal would noticeably erode the spaciousness of this part of the street scene and would appear visually obtrusive, thus compromising the pleasant quality of the immediate context in which it is predominantly read.
6. At the time of my site visit the severing of the rear garden of No 90B had already occurred. This serves to confirm that the considerable reduction in rear garden size would harmfully detract from the spatial character and established plot layout of the area.
7. Although the development attempts to reflect the characteristics of plots and built form along Alder Dale, for the reasons noted, the appeal site has a closer association to the properties on Richmond Road. This does not therefore overcome the harm I have identified.
8. Accordingly, the proposed development would harm the character and appearance of the area and would conflict with Policies D4 and D6 of the Wolverhampton Unitary Development Plan 2001-2011 (June 2006) (the UDP), Policy ENV3 of the Black Country Core Strategy (February 2011) (the BCCS) and the Framework which collectively seek to ensure that developments are of a high quality that respond positively to and reinforce local distinctiveness.

Outlook and Privacy

9. The proposed dwelling would have a very close relationship with Nos 90A and 90B. Even taking into account its proposed design, the amount of built form would be overly dominant and would create a poor outlook from the rear of those properties. This would result in an overbearing sense of enclosure for existing occupiers.
10. In terms of privacy, the window to bedroom 3 of the proposed dwelling would face towards the rear garden of 90C Richmond Road. It would be the only window serving that room and would be within very close proximity to the rear boundary of the appeal site. Accordingly, it would create opportunities to directly overlook the rear garden of No 90C, resulting in an invasive loss of privacy for its occupiers.
11. Therefore, the proposal would harm the living conditions of neighbouring occupiers in terms of outlook and privacy and would conflict with Policies D7 and D8 of the UDP, Policy ENV3 of the BCCS and the Framework which seek to ensure that developments do not adversely affect amenity.

Garden Provision

12. The proposed development would significantly reduce the rear gardens of Nos 90A and 90B. The resultant space would be extremely limited and not commensurate with the size of the large properties, taking into account the number of occupiers which could reasonably reside in each. I acknowledge there is generous space to the front of Nos 90A and 90B however much of this space, particularly in respect of No 90A, has been given over to hardstanding. Moreover, it is not overly private and thus would not provide residents with

high quality garden space in which they would likely spend time in to relax or where children are likely to play.

13. The rear garden of the proposed dwelling would also be of a very restricted depth and size. Overall, the site would feel cramped. As such, it would not provide future residents with high quality private space.
14. The full details of the example at Woodthorne Road South have not been provided however from the information before me it appears that the example has greater garden space than the appeal proposal. It also seems to reflect the plot sizes within its context. I therefore afford this matter limited weight.
15. Accordingly, the proposal would harm the living conditions of neighbouring occupiers as it would substantially reduce their garden space and it would not provide satisfactory living conditions for future occupiers of the proposed dwelling, also in terms of garden space. My attention has not been drawn to any development plan policies in this regard. I have therefore relied upon the Framework, which at paragraph 130 requires developments to have a high standard of amenity for existing and future users.

Other Matters

16. The appellant has suggested that the UDP and the BCCS are out of date given they were produced some years prior to the Framework. However, paragraph 219 of the Framework advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. I consider that the policies relevant to this appeal are broadly consistent with the general intent of the Framework thus I have afforded them full weight.
17. I have carefully considered the assertion that the proposed development would create a home for the appellant's elderly parents so the appellant can provide care and support. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age.
18. Whilst I acknowledge the personal circumstances of the appellant and their family, I note that the host dwelling at 90A Richmond Road is of a substantial size. I am therefore unconvinced that it could not be appropriately adapted to achieve the aim of providing care and support. Even if that were not the case, a refusal of planning permission is a proportionate and necessary response to the legitimate aim of ensuring that the character and appearance of the area and the living conditions of occupiers can be reasonably safeguarded.
19. The Council has not raised any concern regarding the design of the proposed dwelling. This is a neutral matter. It has also not raised concern with the effect of the proposal on the living conditions of occupiers at properties other than those listed above. I have not therefore considered this matter further.

Conclusion

20. The proposal would provide an additional home in an area that appears to be relatively accessible and would bring some accompanying benefits including

employment during construction, subsequent spending in the area and additional council tax payments. I note that the proposed development is to be used by family members and thus would not be immediately available on the open-market. Notwithstanding this however, the nature of the identified benefits of the proposal would nevertheless be limited given the small scale of the development. Accordingly, they would attract only limited weight.

21. I have set out the various harms above, harm which would lead to conflict with the development plan as a whole. The associated benefits of the proposal would be insufficient to outweigh this harm. There are no material considerations that indicate a decision should be made other than in accordance with the development plan. Consequently, the appeal is dismissed.

H Ellison

INSPECTOR