



Appeal Decision

Site visit made on 21 February 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/D4635/D/22/3290865

77 Lower Street, Wolverhampton, WV6 9LW

- 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 Amandeep Dhaliwal against the decision of the City of Wolverhampton Council.
 - The application Ref: 21/01749/FUL, dated 20 December 2021, was refused by notice dated 14 January 2022.
 - The development proposed is two storey front and two storey rear extension and front porch.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have determined this appeal based on the Council's description of development which includes reference to the proposed first floor extension above the existing garage, as it is a more accurate specification than that stated on the application form.

Main Issue

3. The main issue in this appeal is the effect of the proposed first floor extension above the garage of No.77 on the living conditions of neighbours at No.79 Lower Street in respect of outlook and received sunlight and daylight.

Background

4. Planning permission was granted in June 2021 for a two-storey front and two storey rear extension and front porch at the appeal building. The appellant advises that strip out works have commenced. The appeal proposal has the same elements as that development but includes an extension over the existing garage to form an additional bathroom.

Reasons

5. The appeal building is a modern two storey detached dwelling located within a row of similar properties. The front elevation of the dwelling projects forward of the neighbouring dwelling at No.79 Lower Street.
6. There is an evergreen hedge along the boundary between the appeal building and the front garden of No.79. No.79 has a ground floor window in its front

elevation near that boundary. Its window at first floor level in the front elevation is more centrally placed. The extension would project by around 1.8 m from the front of the appeal dwelling. The appellant advises that the scheme would respect the 45-degree lines of sight from the neighbouring habitable room windows at No.79. I agree that there would be no harmful effect on the privacy of neighbours or on the character and appearance of the street scene from the proposal.

7. Nevertheless, I consider that the proposed extension above the garage would create an unacceptable increased sense of enclosure and increased loss of daylight and sunlight for the front garden of No.79 because of the relative orientation of the appeal building and No.79. It would also have a harmful effect on the outlook from the first-floor window of No.79 because of the proximity, height and massing of the proposed extension. The appellant refers to the enormous range of properties in the area, many of which fill their plots and/or have been extended significantly. Although that may be the case, I have determined this appeal based on the individual merits of the proposal and its particular site circumstances, having regard to relevant development plan policies.
8. I find that the proposed extension would have a harmful effect on the living conditions of neighbours at No.79 Lower Street in respect of outlook and increased loss of received sunlight and daylight. It would fail to comply with policy D7 of the Wolverhampton Unitary Development Plan (UDP) which indicates that buildings should not appear overbearing. It would also conflict with UDP policy D8 which requires that the massing of a proposal should not adversely affect people's amenities in respect of immediate outlook or loss of daylight/sunlight.

Conclusion

9. I have taken all other matters raised into account, including the appellant's desire for additional bathroom accommodation. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR