The Planning Inspectorate

Appeal Decision

Site visit made on 7 March 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by David M H Rose BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/D4635/D/22/3291454
94 Pinfold Lane, Wolverhampton, WV4 4EP

- 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 Debbie Argentieri against the decision of City of Wolverhampton Council.
- The application Ref 21/00801/FUL, dated 2 June 2021, was refused by notice dated 4 November 2021.
- The development proposed is described as 'Two storey side and single storey rear extension'.

Decision

1. The appeal is allowed, and planning permission is granted for a two storey side and single storey rear extension at 94 Pinfold Lane, Wolverhampton, WV4 4EP, in accordance with the terms of the application, Ref 21/00801/FUL, dated 2 June 2021 and subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Proposed Floor Plans and Elevations Drawing No MK: 0070/21-A1 Rev B.

   3) The external surfaces of the development hereby permitted shall be constructed in the materials to match the existing dwelling.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The second reason for refusal cited on the decision notice references the gap between the appeal property and 96 Pinfold Lane. However, as No 96 is the paired dwelling of the appeal property this is an error and is therefore taken to be No 92 in this appeal decision.

Main Issues

4. The Council's first reason for refusal only references No 96 and the effect of the proposal on that property's side elevation window. Following the site visit and reviewing the submitted evidence it is clear that the proposal would not have an effect on this aspect of that neighbouring dwelling, and this is an error in

the Council's reasoning. However, I saw that No 92 has a window on its side elevation, which serves a habitable room, and this is at the shared boundary of the appeal property.

5. Therefore, the main issues in this case are the effect of the proposal on:

   - the living conditions of the occupants of 92 and 96 Pinfold Lane, with regards outlook and light, and
   - the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

6. The appeal property and its immediate neighbours have narrow plots with modest sized rear gardens. The existing rear single storey extension is built up to the shared side boundaries of Nos 92 and 96. This extension roughly matches the length of the single garage in the rear garden of No 92, which screens the extension from the outlook of rear ground floor windows at that property. It has a shorter depth at the shared boundary with No 96, where its side wall is visible above the boundary hedge and dominates the outlook of the living room glazed door and flanking windows, and the patio area at the rear of that dwelling.

7. The proposal would not alter the depth of this extension at either shared boundary. The width of the existing single storey protrusion would expand the form closer to the side boundary with No 96, but it would still be significantly stepped in from this shared boundary. The changes to the flat roof would be minor with the addition of modestly sized lantern lights set in from the boundaries. Therefore, these new features would not encroach significantly on the outlook from the neighbouring properties.

8. The proposed two-storey side extension would result in a solid wall at the shared side boundary with No 92, and this would bring the built form closer to the side kitchen window at that property. However, the design of the extension, whilst full height, would have a modest roof and this would be hipped away from the shared boundary. The mass of the addition would also diminish towards the front elevation of the appeal property. It would not significantly alter the existing outlook from this window which is already dominated by the side elevation of the appeal property with its first-floor window feature which projects towards the boundary. Moreover, there is a second kitchen window at the rear of the dwelling which would not be affected by this part of the development. For these reasons the proposal would not appear harmfully overbearing to the occupants of No 92 when looking from this ground floor side elevation window.

9. The proposed rear two-storey extension would be a small protrusion from the rear elevation, with a roof that would be slightly lower than the appeal property's main roof. It would be stepped in from both shared boundaries, but a significantly greater distance from the shared boundary with No 96. Consequently, the modest addition, set well away from the side boundaries would not be an unduly dominating or overbearing feature when viewed from windows in the rear elevations of neighbouring dwellings and the patio areas close to the dwellings. It would for this reason not materially harm the outlook from these aspects of the neighbouring properties.

10. This section of the proposal would have one window at the rear, similar in size to the existing window at this elevation. Whilst extending towards the rear gardens, the sense of being overlooked in neighbouring gardens would not significantly alter given this design and scale of the proposal. Moreover, the absence of openings on its side elevations would ensure that it would not materially change the current levels of privacy enjoyed by occupants of the neighbouring dwellings.

11. There is nothing before me confirming that the proposal would not satisfy the 45 degree code or that indicates the need for a BRE assessment in this case. Nevertheless, I have considered how the massing of this proposal would affect daylight/sunlight and how this may in turn affect the occupants of neighbouring dwellings.

12. The proposed extension would not restrict direct sunlight from reaching the windows of the rear or side elevation of No 92, given the north-westerly orientation of that dwelling and the relative position of the appeal property. Whilst the built form would encroach into the space at the side boundary, the gap remaining alongside No 92 would allow daylight to reach the side window, and light in this habitable room would not be materially diminished as a result.

13. The two-storey extension would be to the south-east of the rear elevation of No 96 which has a north-easterly aspect. In my opinion, having regard to the location and bulk of the existing house, and the manner in which the proposal would be set well away from the boundary with no 96, I consider that the proposed two-storey extension would not significantly reduce sunlight reaching the rear elevation or rear garden of the neighbouring dwelling. As such the proposal would not be harmful to the living conditions of the neighbouring occupants in this respect. Moreover, the stepped in position would ensure that this addition would not significantly overshadow these parts of the neighbouring property. Therefore, light levels reaching the rear living room windows and door and the patio area at No 96 would not be materially different and the proposal would not be harmful to the living conditions of its occupants in this regard.

14. In light of the above, I find that the proposal would not have a harmful effect on the living conditions of the occupants of 92 and 96 Pinfold Lane, with regards outlook and light. It would therefore not conflict with policies D7 and D8 of the Wolverhampton Unitary Development Plan (UDP), which require collectively that the massing of proposals should not adversely affect people's amenity in respect of immediate outlook, loss of daylight/sunlight and loss of privacy.

Character and Appearance

15. The appeal property is one of a group of semi-detached dwellings forming a section of Pinfold Lane. There is a mix of detached and semi-detached properties lining the Lane. However, coherency in this suburban setting is achieved by the linear pattern of development, plot layout and the architectural style of dwellings that is typical of the early-mid 20th Century era. The front gable feature of the group of dwellings that the appeal property forms a part of is a distinct feature, which provides a positive sense of consistency in the built form in this part of the Lane.

16. I saw that space between properties opposite and to the south of the appeal property allowed glimpse views of trees and vegetation to the rear, and this contributes positively to the street scene. However, the built form near the appeal property is relatively close knit, with spaciousness in this section of the Lane principally derived from the width of the road and wide pavements, with the gap between the appeal property and No 92 only distinct when viewed close to the properties.

17. The proposed two-storey side extension would extend the main roof sideways beyond the front gable. However, it would be set back from the existing front elevation. In doing so, it would retain the prominence of this positive feature, and would not interrupt the consistency of built form in this part of the Lane.

18. The hipped form of the side extension would be sensitive, in design terms, to the appearance of the appeal property. It would also result in a narrow addition to the property that would be respectful of the massing and height of the host dwelling and surrounding properties.

19. I note that dwellings in the immediate vicinity of the appeal property have not been extended to the rear at the first floor. However, the proposal at this aspect would result in a small addition that would be subservient in scale and height to the host dwelling. Its design would also reflect the existing roof form and detailing of the rear elevation. In these regards it would be in keeping with the appearance of the dwelling and the character of the row of properties.

20. The proposal would fill the existing gap to the shared boundary with No 92. However, the addition, with the sloping hipped form, would retain views of the sky when viewed from the front. Moreover, taking account of its proposed modest proportions, set back position and location it would not harmfully erode spaciousness in the street scene.

21. For the reasons outlined I find that the proposal would not have a harmful effect on the character and appearance of the area. It would therefore not conflict with policies D7 and D8 of the UDP which collectively require, amongst other matters, that proposals are of a height that achieve a strong sense of place, relate positively to its surroundings, should be compatible with the general pattern of heights in an area, and make a positive contribution to the appearance of an area by reason of appropriate massing.

Other Matters

22. The proposal would provide one additional bedroom and an increase in living space. It would therefore still comprise a modest family dwelling and would not be materially different in this respect from the existing dwelling. Moreover, I did not observe parking pressures in the area, and nothing has been submitted which contradicts my observations. Therefore, I find no evidence that this development would harmfully increase the pressure on on-road parking or would have a harmful effect on highway safety in the area. I attach limited weight to this matter accordingly.

Conditions

23. In addition to a condition imposing the statutory time limit on the permission, conditions requiring the development in accordance with the approved plans and to be built in materials to match the original dwelling are necessary in the

interest of certainty, and to protect the character and appearance of the host property and surrounding area.

Conclusion and Recommendation

24. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and concur that the appeal should be allowed.

David MH Rose

INSPECTOR