



Appeal Decision

Site visit made on 22 March 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 23 May 2022

Appeal Ref: APP/D4635/W/21/3285455

7 Boundary Way, Wightwick, Wolverhampton WV6 8DL

- 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 Wightwick Developments against the decision of the City of Wolverhampton Council.
 - The application Ref 21/00703/FUL, dated 25 March 2021, was refused by notice dated 24 September 2021.
 - The development proposed is for two new 4 bed detached dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for two new 4 bed detached dwellings at 7 Boundary Way, Wightwick, Wolverhampton WV6 8DL in accordance with the terms of the application, Ref 21/00703/FUL, dated 25 March 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appellant submitted revised drawings to the Council during the application stage. The revised drawings altered the position of the two proposed dwellings, so that they would face onto Perton Road and not Boundary Way. On the evidence before me, it is on the basis of these drawings that the Council determined the planning application on. I have therefore dealt with the appeal on these drawings.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area; and, the proposal's effect on the living conditions of the neighbouring occupiers, with regard to loss of privacy.

Reasons

Character and Appearance

4. A derelict bungalow currently occupies the appeal site. The surrounding area is a mature residential suburb comprising large detached dwellings of varying architectural style. The dwellings are generally two-storey and set back from the road in generous plots.
5. The appeal site is a corner plot and therefore has a large garden area. Due to the size of the plot, the proposal would not constitute an over-development of the site. Furthermore, it would not appear cramped as both the proposed dwellings would have sufficient areas of rear garden space, to enable future

occupiers to undertake a full range of garden activities, including sitting out, and space for children to play.

6. The positioning of the proposal, fronting Perton Road, would not detract from the street-scene. This is because the proposed dwellings would be set back from the road and would respect the existing building line along Perton Road. The current pattern of development would not be compromised, and the established character and rhythm of the street would be maintained.
7. The majority of the existing dwellings extend up to their boundaries on both sides. Some dwellings are clearly visible from the road, with hardstanding parking areas, while others are partially screened by mature planting and trees. The gaps between the proposed dwellings and their boundaries would be similar to nearby dwellings and, as such, would reflect the character and appearance of the area. In addition, the area of hardstanding to the front of the proposed dwellings would be similar to that found elsewhere along Perton Road.
8. Therefore, the proposed development would not have an adverse effect on the character and appearance of the area and would not conflict with Policies D4 and D6 of the UDP (2006), which generally seek to protect and promote local character and local distinctiveness, with reference to developments and the spaces around them. The proposal also accords with Policy TNP12 of the Tettenhall Neighbourhood Plan (2014), which seeks to ensure new development respects existing local character.

Living Conditions

9. The appeal site is adjacent to 50 Perton Road. The opportunities for overlooking the rear garden of No 50 would be limited as views are well screened by the existing trees and vegetation along the site's boundary with No 50. However, the proposal does include a dressing room window at first-floor level, on the side of the proposed dwelling that would be in close proximity to No 50. As a safeguard to prevent overlooking, I will impose a condition for the installation of obscure glazing to the proposed dressing room window.
10. Windows on the rear elevations of the proposed dwellings would face towards the side of the front and rear gardens of 6 Boundary Way. However, the separation distances between the proposed dwellings and the gardens of No 6 would be separated by the rear gardens of the proposal. According to the appellant, the separation distances range between 11m at the Boundary Way edge to 17m at the western edge of the appeal site. In my view, these separation distances are sufficient, especially as the larger separation distances would be located next to the private enclosed rear garden area of No 6, where the need for privacy would be greater than the front garden. In addition, the orientation of the proposed dwellings means that their relationship with No 6 is facing the side of the gardens only, and not their full extent.
11. Furthermore, views would be restricted as the proposal's boundary joins only a part of No 6's rear garden side boundary, with the other part joining onto the boundary of No 50. Views would also be partially filtered by the existing trees and vegetation on the boundary with No 6. There would be limited opportunity for viewing through the roof lights in the proposal's rear elevation, due to the sloping nature of the roof form. Accordingly, there would be no adverse effect on residents' living conditions at No 6, in respect of privacy.

12. The proposed dwellings would be located a sufficient distance away from the habitable rooms of neighbouring properties to safeguard privacy. Consequently, the proposal would not harm the living conditions of neighbouring occupiers.
13. For the reasons given above, living conditions for residents surrounding the appeal site would not be unacceptably harmed. The proposal therefore accords with Policy D8 of the UDP (2006), which seeks to protect the amenity of neighbouring occupiers.

Other Matters

14. Concerns have been raised regarding the potential for on-street car parking. However, adequate space has been set aside at the front of the proposed dwellings to accommodate the car parking spaces that would be required, without the need for any on-street parking to take place. In addition, the proposal includes a garage for each dwelling, creating an indoor parking space.
15. Access onto the road would be similar to other properties along Perton Road. The Council has not raised any highway safety concerns. Based on the evidence before me, I have no reason to form a different view.
16. Representation has been made with regard to boundary treatment and soft landscaping. Conditions are imposed to ensure the development has appropriate boundary treatment and soft landscaping.

Conditions

17. I have assessed the conditions put forward by the Council against the National Planning Policy Framework (para 56), and I am satisfied that these conditions meet the tests. The appellant has had the opportunity to comment.
18. For reasons of certainty, I have imposed a condition regarding the approved plans. Conditions are necessary regarding materials, landscaping, slab levels and boundary treatments in the interests of the character and appearance of the area.
19. A condition is necessary for obscure glazing in the dressing room window on the side elevation adjacent to 50 Perton Road, to prevent overlooking.
20. A condition is necessary to ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
21. A condition is necessary in the interests of creating a sustainable form of development and to encourage the use of vehicles that will contribute toward a reduction in road transport emissions.
22. The conditions relating to landscaping, slab levels and boundary treatments need to be pre-commencement conditions in the interests of ensuring no harm is caused to the character and appearance of the area.
23. I have not imposed a condition that protects the soft landscaping from hard surfacing, parking and storage, as this would be too onerous and restrictive on the appellant in what they can do to their garden and therefore would be unreasonable.

Conclusion

24. For the reasons given, having considered the development plan as a whole, the approach in the NPPF, and taken account of all other material considerations, I conclude that the appeal should be allowed.

Helen Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans:
 - a. Site Location Plan
 - b. Proposed Revised Drawings – Drawing Ref: 1287-P-007 (dated: March 2021)
 - c. Proposed Site Plan – Drawing Ref: 1287-P-008 (dated: Sept 2021)
 - d. Plot 1 Proposed Elevations – Drawing Ref: 1287-P-004 (dated: March 2021)
 - e. Plot 2 Proposed Elevations – Drawing Ref: 1287-P-006 (dated: March 2021)
- 3) No development above damp proof course level shall take place until details of all materials to be used externally shall be submitted to and approved in writing by the local planning authority. The development shall be built in the materials approved.
- 4) Prior to the commencement of development, details of the landscaping of the site (including hard surfaces, car parking areas and access/egress, boundary treatments and wherever appropriate the retention of existing trees) shall be submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be fully implemented within one year of either the first occupation or use of the development, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies, by a tree or shrub of the same size and species as that which it replaces.
- 5) Prior to the commencement of development, details of all proposed excavations, and existing and proposed site and slab levels, shall be submitted to and approved in writing by the local planning authority. These details shall include the proposed grading of land areas, including the levels and contours to be formed, showing the relationship of proposed levels to existing surrounding landform, and buildings and areas required for drainage purposes within each phase. Development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of development, details of all proposed and retained boundary treatments (including all walls, fences and other means of enclosure on the boundaries of and within the site) shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be provided prior to occupation and retained at all times thereafter.

- 7) Before first occupation or use of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority, and the works shall only be carried out in accordance with those details so approved. Such water disposal shall, whenever practical, be disposed of on site without the need for connection to any mains system.
- 8) The development falls into the classification of "minor" in accordance with the West Midlands Low Emissions Towns & Cities Programme Good Practice Planning Guide and will require "Type 1" Standard Mitigation for Scheme Sustainability. The applicant shall therefore submit a scheme for the provision of electric recharging points in accordance with the "type 1" mitigation requirements, for written approval by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development and shall be maintained for the life of the development.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dressing room window in the side elevation adjacent to 50 Perton Road shall be obscure glazed.

*****End of Conditions*****