
Appeal Decision

Site visit made on 10 May 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2022

Appeal Ref: APP/D4635/D/22/3292508

10 Packwood Close, Willenhall, WV13 3EF

- 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 Sudesh Heer against the decision of Wolverhampton City Council.
 - The application Ref 21/01611/FUL, dated 19 November 2021, was refused by notice dated 28 January 2022.
 - The development proposed is a two storey side and rear and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear and single storey rear extension at 10 Packwood Close, Willenhall, WV13 3EF in accordance with the terms of the application, Ref 21/01611/FUL, dated 19 November 2021, 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: Front and Side Elevations 21-266, Rear and Side Elevations 21-266, Ground Floor Layout 21-266, First Floor Layout 21-266 and Site Location Plan HH/21/266/001.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property and street scene.
 - The living conditions of the neighbouring occupiers at 8 Packwood Close with particular regard to massing and light and the living conditions of the future occupiers of the appeal property in relation to outdoor amenity space.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a two-storey semi-detached property located in a prominent position on the corner of Packwood Close, a modern residential cul-de-sac comprising of properties similar in style to the appeal property.
5. The surrounding area is characterised by the buff brick of the properties, many of which have had various forms of side and rear extensions. As a result of the driveways and lawns to the front of many properties, a sense of spaciousness is apparent. The widening of the road at the head of the cul-de-sac, adjacent to the boundary of the appeal property, enhances this spacious feeling.
6. When the proposal is viewed from the front elevation, the proposed side extension would be in keeping with the appearance and form of other side extensions in the cul-de-sac, with the second storey set back from the front elevation.
7. The side elevation of the proposal facing Packwood Close, appears uncharacteristic of other extensions in the vicinity due to the proposed roof configuration. However, despite this variation, the roof form does reflect the pitch and style of the host dwelling and the ridge line is also set marginally down. Furthermore, whilst I did not observe any similar extensions to the proposal on my site visit, I did nevertheless see a variety of rear and side extensions within the vicinity and it would therefore not be out of place in the context of the wider area.
8. Although the proposal would introduce a large expanse of brickwork to the flank wall, the side elevation would be set back against a strip of land at the point where the road widens. The spacious setting would help the proposal assimilate into its surroundings and not appear stark, obtrusive or overbearing. The flank wall would also be characteristic of other large blank elevations that can be viewed from within the street scene. In addition, the rear extension would add to the staggered building line already present at the rear of 2-10 Packwood Close.
9. The Council assert that the proposal would project towards the highway and forward of the established building line. From reviewing the submitted plans and my own site observations, I disagree with this contention with the extension projecting no further towards the highway than the existing building footprint, or forward of the existing staggered building line of the front elevations. Moreover, on the side elevation, the proposal does not come any further forward than the existing single storey side extension, which already breaches the building line with number 12. Whilst the proposal would be two stories, it would not be harmful or obtrusive, as the proposal remains visually and spatially separate to those properties at the rear.
10. I note that the Council is concerned the proposal would lead to an overdevelopment of the property. However, I am not persuaded that this would be the case. The scale of the proposed extensions would not be out of proportion with the size of the original building, and the combination of the single and two storey rear elements help to break up the massing of the enlarged host property. Furthermore, the use of matching materials, secured

via a condition, would ensure that material harm would not be caused to the host property and the character and appearance of the street scene.

11. For the reasons above, I conclude that the proposal would respect the character and appearance of the street scene and host property. It would therefore accord with Saved Policies D6, D7 and D8 of the Wolverhampton Unitary Development Plan (2006) (UDP), Supplementary Planning Guide 4 Extension to Houses (SPG) and Policy ENV3 of the Black Country Core Strategy (2011) (Core Strategy). Amongst other things, they require proposals to be of a high quality design, and to respond to the site and its context by having regard to matters including scale, height and massing.

Living Conditions

12. In concluding above that there would be no harm in respect of massing, I also find the development would not affect the living conditions of the occupiers at number 8 Packwood Close in respect of the same. Although the two-storey rear element would clearly be seen from the neighbouring property, because it would be inset from the shared boundary, I find it would not be unacceptably overbearing.
13. As the property lies to the south of number 8, it is anticipated that the proposal would result in some increased shadowing to the garden of number 8. However, at the time of my visit, I observed substantial existing overshadowing in the rear garden of the host and neighbouring property due to the northwest orientation of the plots. Having regard to the siting, form, orientation and its relationship with the dwelling and garden at number 8, and in the absence of any technical daylight or sunlight reports, I consider any further overshadowing to the garden and property at number 8 would be limited and would not result in an unacceptable impact.
14. Turning to the residual garden space of the host dwelling, the proposal would reduce the size of this space and in this respect would not accord with the SPG which recommends a garden depth of 11m. However, the property would still retain sufficient useable garden space allowing normal domestic activities to take place for the current and future occupiers. Furthermore, it would not be dissimilar in size to the garden of the adjoining property. I therefore find there to be an overall lack of harm in this context.
15. Consequently, the proposal would have an acceptable effect upon the living conditions of the existing and future occupiers of 10 Packwood Close in relation to outdoor amenity space. This would accord with UDP Saved Policy D6, which amongst other things, requires development to provide adequate and useable gardens. It would also have an acceptable effect upon the living conditions of the neighbouring occupiers in relation to massing and light. This would be in accordance with the SPG at section 3.9 (b) and (c) which requires development to not adversely affect neighbours' light or be overbearing. It would also accord with those parts of UDP Saved Policies D7 and D8, and Core Strategy Policy ENV3 which promote 'good place making' and require development to not have an adverse impact on light by reason of matters such as over-bearing.

Conditions

16. In addition to the standard time period for commencement of the development and approved plans condition, the Council has suggested a condition requiring the external materials to be used in the construction of the development to match those of the existing building. In the interests of the character and appearance of the host property and street scene I agree that this condition would be necessary.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and subject to the conditions as listed, the appeal is allowed.

Martin Seaton

INSPECTOR