
Appeal Decision

Site visit made on 23 May 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13TH June 2022

Appeal Ref: APP/D4635/D/22/3296616
27 Wood Road, Wolverhampton, WV6 8NG

- 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 Dr Khalid against the decision of Wolverhampton City Council.
 - The application Ref 21/01659/FUL, dated 1 December 2021, was refused by notice dated 17 January 2022.
 - The development proposed is the erection of a first-floor extension over dining room and separate first-floor extension over shower room both at rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 25 Wood Road with particular regard to daylight, sunlight, and visual impact.

Reasons

3. The appeal property is a two-storey, detached dwelling of post-war design. It has an 'L-shaped' footprint that follows an unusual 'L-shaped' plot. The dwelling has previously been extended beyond its original form and spans the full width of the plot at two-storey height and sits close to the two-storey dwellings on either side at 25 Wood Road and 1 Church Road respectively. The depth of the garden at the appeal site is significantly constrained beyond the rear elevation of the dwelling across a majority part of its width where it adjoins the rear garden of 1 Church Road. The garden extends much deeper as a fairly narrow limb adjacent to the side boundary with 25 Wood Road. At this point the existing dwelling projects to the rear along the boundary line with a single-storey extension butting up against a deeper, single-storey flat-roof addition to No 25. At first-floor there is a rear facing gable projection that is set marginally behind the two-storey rear elevation of No 25, which I estimate to be around 2m away from the common side boundary.
4. The proposal would extend the existing first-floor rear projection over the single-storey element by a depth of 3.75m, with a hip-ended roof over. A second, first-floor extension to a very shallow depth is proposed tucked into a

corner of the building's rear elevation and over an existing ground floor WC to enlarge the first-floor landing lobby area.

5. In my assessment, the principal first-floor extension would amalgamate with the existing building to create the impression of a two-storey wing that would appear overly large and disproportionate to the scale of the original building. More significantly, this would be openly perceived from the rear garden to No 25, which is a similarly narrow plot of land, and would appear as an obvious addition that would be out of scale and context with the intimate garden settings of these two properties. Although the existing single-storey extension to No 25 creates some enclosure to the rear of the neighbour's garden, the vast two-storey scale and bulk of the new side elevation to the appeal property would be seen from the neighbouring plot to loom large at first-floor level and in unreasonably close proximity, being immediately adjoining the side boundary between both properties.
6. The appellant has submitted sun path diagrams to illustrate the effect of the extensions upon sunlight to No 25. These show that there would be no impact on 1 June but that there would be some overshadowing of the rear elevation to the neighbouring property at 4pm on the 21 December. However, these models provide just snapshots in time. It is reasonable to conclude that during the winter months before and after 21 December there would also be overshadowing albeit to lesser degrees. From the limited information that is available to me, I am not persuaded that the loss of sunlight across the rear of No 25, at the times when it would occur, would be just minor. In my judgement there would be a noticeable shadow cast over the rear elevation of No 25 that would impact the first-floor living spaces. I consider it likely that this would also impact levels of daylight enjoyed within these rooms at times, even if only slightly.
7. The appellant has used guidance produced by Birmingham City Council to show that a 45-degree line taken from the mid-point of the nearest first-floor window to No 25 would not be breached by the proposed extension. However, whilst this may be guidance adopted by some local planning authorities, in others it is not; Wolverhampton City Council being a case in point.
8. In this instance the appellant points out that Wolverhampton City Council's *Extensions to Houses Supplementary Planning Document 1996* states that proposals for two-storey extensions will be judged against issues such as the impact upon sunlight, daylight, overbearing nature, and undue overlooking on adjacent properties. I have not been directed by any of the main parties to any specific tests that have been adopted by the Council for assessing these impacts. I am not persuaded that the positions of the windows on the rear elevation of the extensions would result in any direct overlooking towards No 25 beyond that which already exists from first-floor windows. However, for reasons explained, I find that there would be harm through overshadowing, some loss of daylight, and visual intrusion as a result of the size, position, and bulk of the larger of the two extensions. The proposal would therefore conflict with the Council's guidance for house extensions. By so doing, it would fail to comply with Policies D7 and D8 of the Wolverhampton Unitary Development Plan 2001-2011 as far as they require, amongst other things, development to relate positively to its surroundings, to not appear overbearing, and to not affect people's amenities in respect of outlook and loss of daylight/sunlight.

Other matters

9. Contrary to a suggestion by the appellant that there are no heritage designations affecting the site, the appeal property is located within the Tettenhall Wood Conservation Area (CA) wherein there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
10. The immediate area around the appeal site is residential in character comprising an eclectic mix of dwellings of different types, ages, sizes, and designs. The appeal proposal would add extensions that would follow the style and form of the existing building. Although I consider the proposal to be large in relation to its impact upon the neighbour's amenities, I am satisfied that there would be no harm to the wider character or appearance of the area. The CA's significance as a heritage asset would be unaffected. I note that the Council raised no concern in this regard and neither have I been directed to any conflict with specific policies of the development plan that relate to heritage assets.
11. I have noted concern expressed from the occupiers of 1 Church Road. The relationship between this property and the appeal site is unusual with the appeal property set close to common boundaries between both plots in parts. Whilst the extensions would obviously be seen in the outlook from No 1 in places, and from the rear garden, in my assessment neither would not be so close as to be overly dominant or intrusive. The window positions on both extensions would provide outlooks in directions equivalent to those existing and I am satisfied that they would not alter the existing outlook from No 27. I note that the Council raised no concern regarding the potential impact upon living conditions at 1 Church Road.

Conclusion

12. For the reasons given, I find that the proposal would harm the living conditions at 25 Wood Road. In addition to the conflict I have identified with the development plan, there would also be conflict with the National Planning Policy Framework's objectives for achieving well-designed places by failing to create a high standard of amenity for existing users.
13. I note the appellant's efforts to try to overcome the reasons for refusal for an earlier proposal by reducing the depth of the larger proposed first-floor extension. However, I have considered the appeal based upon the proposal that is before me, regardless of previous schemes. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR