



Appeal Decision

Site visit made on 7 June 2022 by G Sibley MPLAN MRTPI

Decision by Sarah Housden BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/D4635/D/22/3297790

25 Oaklands Green, Bilston WV14 6DW

- 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 P McGuane against the decision of Wolverhampton City Council.
 - The application Ref 21/01114/FUL, dated 21 July 2021, was refused by notice dated 2 February 2022.
 - The development proposed is single and two storey side and rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single and two storey side and rear extensions at 25 Oaklands Green, Bilston WV14 6DW in accordance with the terms of the application, Ref 21/01114/FUL, dated 21 July 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: Location Plan (dated 21 May 2021); Block Plan Rev A Planning 12-21; Proposed Elevations/Layout DWG No 03A Planning 12-21; and Proposed Side Elevations DWG No 04.
 - 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.
 - 4) Prior to the first occupation of the development hereby permitted, the parking area shown on the approved plan (Ref: Block Plan Rev A Planning 12-21) shall be provided in accordance with the approved plan. The parking area shall thereafter be kept available at all times for the parking of vehicles by the occupants of the dwelling and their visitors.

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 description of development in the banner heading and in the formal decision above is taken from the decision notice and the appeal form since it provides a more accurate description of the proposed development.

Main Issues

4. The main issues are:

- the effect of the proposal upon the character and appearance of the host dwelling and the Oaklands Green and Green Park Avenue street scenes;
- the effect of the proposal upon the living conditions of the occupiers of 24 and 26 Oaklands Green with regard to light, privacy and outlook; and
- the effect of the proposal upon the safety of highway users.

Reasons for the Recommendation

Character and appearance

5. No 25 is a two-storey semi-detached property and the surrounding properties are similarly designed. The house is located behind a grassed area of public open space at the head of Oaklands Green which leads to a shared parking area.
6. The proposed two-storey side extension would be less than half the width of the host dwelling and would be set back from the front elevation. Additionally, the roof would be set down from the ridge of the host property and would have a similar pitch. As a result, when viewed from Oaklands Green, the scale of the proposed two-storey side extension would appear proportionate with the host dwelling. The proposed use of matching materials would also ensure that the side extension would appear harmonious with the dwelling. Given the limited scale of the two-storey side extension, it would not unbalance the appearance of the semi-detached pair when viewed from Oaklands Green.
7. The proposed flat roofed single storey side extension would extend out behind the two-storey side extension, following the orientation of the shared boundary with No 24. This would be screened from Oaklands Green by the proposed two-storey side extension. Given the limited scale of this element, it would appear subordinate to the host dwelling. Moreover, whilst the single storey side extension would be partially visible from Green Park Avenue, due to its subordinate scale and the use of similar materials, it would not harm the appearance of the dwelling when viewed from this road.
8. The two-storey rear extension would have a double pitched hipped roof which would not match the gabled roof of the host dwelling. Despite this, the form of the hipped roof would limit the overall massing of the proposal when viewed from Green Park Avenue compared to a gabled roof. No 25 has a large rear garden and given the road layout, the rear extension would be set back a significant distance from the roadside.
9. At first floor, the rear extension would be set away from the shared boundary with No 26 and the double pitched hipped roof would also be set down from the roof of both the host dwelling and the proposed side extension. This would ensure that the massing of the extension to the rear would not overdevelop the rear elevation of the host dwelling or appear overbearing when viewed from Green Park Avenue. The use of similar materials would also ensure that the extension would appear harmonious with the house.
10. There are houses with hipped roofs in the area and as such the incorporation of the hipped roof would not introduce an alien feature into the street scene.

Moreover, whilst the proposal would create a larger dwelling, due to the subordinate form and massing of the proposed extensions they would not make the dwelling, as a whole, appear disproportionately larger than the surrounding properties. The extended dwelling would maintain the consistent pattern of development established by the semi-detached dwellings and would not appear out of character with the Oaklands Green or Green Park Avenue street scenes.

11. The proposal would require the removal of part of the hedgerow at the rear of the dwelling to allow access to the proposed car parking spaces at the rear. The dwellings along Oaklands Green and Lawnsdale Green back onto Green Park Avenue and as a result the street scene for this section of the road is generally the rear boundary treatment and rear driveways for those properties. The proposal would require the removal of a limited amount of the hedgerow and because rear driveways are a common feature in the area, this would not harm the character or appearance of the street scene.
12. Therefore, the proposal would not harm the character or appearance of the host dwelling or the Oaklands Green or Green Park Avenue street scenes. Consequently, it would comply with Policies D7, D8 and D9 of the Wolverhampton Unitary Development Plan (UDP) (adopted 2006) and Policy ENV3 of the Black Country Core Strategy (BCCS) (adopted 2011). These policies seek to ensure that the scale and massing of development should relate positively to its surroundings as well as make a positive contribution to the locality through the use of appropriate form and good quality detailing and materials.

Living conditions

13. The side wall of the two-storey rear extension would be to the right of the first-floor window on No 25 and would be set away from the shared boundary with No 26. The closest window at No 26 is a first-floor bedroom window which is a habitable room.
14. No 25 is located to the north of No 26 and as a result, the proposed extension would not cast shadow towards No 26's first floor window. Therefore, the proposal would not unacceptably reduce the amount of sunlight that would reach this window. Moreover, given the separation distance and the depth and height of the extension, the proposal would not cause a material reduction in the amount of daylight that this window currently receives. The outlook from No 26's window is relatively unenclosed with a clear outlook to the rear. However, given the separation distance and the limited depth and height of the extension, the proposal would not result in a material increase in the sense of enclosure from this window. Overall, the outlook enjoyed from this room would not be unacceptably harmed by this proposal.
15. A single storey extension has been built along the shared boundary with No 26 and this is taller and deeper than the conservatory at No 26 and partly encloses the outlook from the conservatory along this shared boundary. The proposed first floor extension would be set back from the shared boundary and whilst it would be visible from parts of the conservatory, the set back and its height below the roof height of the host dwelling would ensure that it would not loom over the conservatory or appear overbearing. Given the orientation of the two properties and the proposed siting and scale of the first-floor extension, the proposal would not unacceptably reduce the amount of sunlight or daylight that currently reaches the conservatory.

16. No 26 has a large garden and the proposal would not extend beyond the rear wall of the appeal property's existing single storey extension. There is a patio area on the opposite side of the conservatory at No 26 and given the significant distance between the proposed first floor and this patio area, the proposal would not appear overbearing or enclose this patio area or the garden to the point where it would create a significantly less pleasant and useable space.
17. The proposed two-storey rear extension would extend the rear elevation of the dwelling further into the garden which would result in some overlooking of the rear gardens of both No 24 and 26. Nevertheless, no windows are proposed on the flank walls of the first-floor extension and it would extend past the rear elevations of both No 24 and 26. Accordingly, the occupiers of No 25 would not be able to view the rear of the neighbouring properties or the parts of the gardens closest to the houses. Therefore, the gardens would not be completely overlooked from the first-floor rear extension. Given the layout of the surrounding houses, most rear gardens are partly overlooked and as such, this situation would not be unusual for the area.
18. The first-floor window on the flank wall of No 24 serves the upstairs landing and as such it does not serve a habitable room. Given that the proposal would not affect a window serving a habitable room, the reduction in the light that would reach the dwelling would not cause material harm to the occupants' living conditions. Moreover, the two dwellings are built at an oblique angle to each other which would ensure that the flank wall of the two-storey side extension would be set back at an angle from this window. This would ensure that the outlook from this window would not be unacceptably harmed.
19. No 24 also has a large garden and the outlook to the rear is open and unenclosed. The proposed two-storey extension would be set back from the shared boundary, and this would limit the amount of the garden that would be overshadowed by the proposal to a small area at the rear of the house close to the shared boundary. This amount of overshadowing would not result in unacceptable harm to the occupants' living conditions. Given the long depth of the garden, the proposal would only extend a short distance along the shared boundary, and this would ensure that the outlook from the majority of No 24's rear garden would not be unacceptably unenclosed by the proposal.
20. The proposed single storey side extension would be taller than the outbuilding at No 24 that has been built along the shared boundary with the appeal property. Whilst this would be visible above the outbuilding as well as the boundary fence, the height would still be relatively limited. When taking into consideration the orientation of the dwellings, the single storey side extension would be set back from the rear of No 24 and given the generous size of the garden at No 24, the single storey extension would not appear overbearing when viewed from that garden.
21. Therefore, the proposal would not have an unacceptable overbearing impact or harm the privacy of the neighbouring occupants. Additionally, it would not cause a material reduction in the amount of sunlight and daylight, or the outlook, presently enjoyed by the neighbouring occupants. Consequently, the living conditions of the occupiers of No 24 and No 26 would not be unacceptably harmed by this proposal. The proposal would comply with UDP Policies D7 and D8 and BCCS Policy ENV3. These policies expect that the scale

of development should not appear overbearing or adversely affect people's amenities in respect of outlook, loss of daylight/sunlight and loss of privacy.

Highway safety

22. Notwithstanding the shared parking to the front of the dwelling, the two proposed parking spaces would meet the maximum parking standards for a single residential unit as set out in the table for Policy AM12 in the UDP.
23. The proposed parking spaces would take access via the existing dropped kerb on Green Park Avenue to the rear. Both neighbouring dwellings have a similar parking layout, and there are several dwellings along Oaklands Green that have a driveway off this road. The road gently bends around the rear of the site and given the open design of the housing estate with deep grassed verges, drivers entering or leaving the site would have a clear view in both directions before making any manoeuvres. Additionally, the road has a 30 miles per hour speed limit and vehicles should be travelling at a controlled speed. This, alongside the clear visibility, would ensure that any vehicles entering or exiting the site could do so safely and would not create a hazard for other highway users.
24. The proposal would provide parking spaces in accordance with local parking standards as shown on the revised block plan (Rev A Planning 12-21) and there is no substantive evidence that the required number of spaces cannot be achieved within this site. Moreover, the occupiers would also have access to the parking spaces on Oaklands Green. Therefore, there is no substantive evidence before me that the proposal would exacerbate pressure on on-street parking.
25. Accordingly, the proposal would not harm the safety of other highway users. Therefore, the proposal would comply with Policies AM12 and AM15 of the UDP which seek to ensure that development proposals should be designed and implemented to contribute towards improving road safety and personal security.

Other Matters

26. Based on the information before me, the appeal does not seek a change of use of the dwelling to a House in Multiple Occupation or to use the outbuilding at the rear of No 25 as a residential dwelling. To do so would require a separate planning application. Moreover, the use of the dwelling could be changed regardless of the outcome of this appeal. The installation of additional utility meters would not necessarily affect the tenancy of the building.
27. There is nothing in the evidence to indicate that the occupation of the dwellings on Oaklands Green is restricted to meet specific needs and the type of future occupier is therefore not a matter that can be taken into account as part of this appeal.
28. Whilst the proposal would increase the footprint of the dwelling, the majority of the garden would remain undeveloped. This would ensure that rainwater from the proposed extension would soak away into the grassed garden or to the existing drainage system. Moreover, the Council has not identified that the house is in an area at risk from flooding. Whilst the proposal would increase the accommodation at the property, I have no substantive evidence before me that the local system cannot handle the waste that would arise from this development.

29. Whilst the proposal would encroach into the outlook from No 26 over the park to the rear of the dwelling, individuals do not have a right to a view and this is not a matter that can be taken into account as part of this appeal.
30. No substantive evidence has been submitted that would indicate that vehicles parked on Green Park Avenue have been at risk from theft. Moreover, there would be natural surveillance from the rear first-floor windows on the houses to the rear.
31. Planning permission cannot be refused on the grounds that it could reduce the value of a neighbouring property.

Conditions

32. Further to the statutory commencement condition, it is necessary in the interest of certainty to include a condition requiring the development to be carried out in accordance with the approved plans. A condition requiring the extension to be built using matching materials is necessary in the interest of the character and appearance of the dwelling and the street scene.
33. A condition requiring the parking areas to be provided in accordance with the approved plan and kept available for parking would be necessary to accord with Policy AM12 of the UDP and in the interest of highway safety.
34. A condition requiring the removal of the dwelling's permitted development rights (PD) to insert windows on the flank walls above the ground floor level of the extension would not be necessary. The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) only allows windows to be inserted on flank walls above the ground floor level that are obscure glazed with limited openings. As a result, any windows inserted above the ground floor level under PD would preserve the privacy of the neighbouring occupants and windows not meeting these conditions would require planning permission.

Conclusion and Recommendation

35. Accordingly, the proposal would accord with the development plan in respect of the character and appearance of the host dwelling and the Oaklands Green and Green Park Avenue street scenes, the living conditions of the neighbouring occupiers as well as highway safety. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

36. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal subject to conditions.

Sarah Housden

INSPECTOR