



Appeal Decision

Site visit made on 8 March 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/D4635/D/22/3306587

40 Rosemary Avenue, Wolverhampton WV4 5BT

- 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 A Kaur against the decision of Wolverhampton City Council.
 - The application Ref 22/00694/FUL, dated 4 April 2022, was refused by notice dated 7 July 2022.
 - The development proposed is a two-storey side/rear extension
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of nearby occupiers of No 36 and No 38 Rosemary Avenue with particular regard to loss of privacy, outlook and light.

Reasons

Character and Appearance

3. The appeal site is located close to the T- junction of two sections of Rosemary Avenue which is a cul de sac. The character of this section of the road is made up of largely uniform pairs of semi- detached dwellings with single storey garages creating visual gaps between the pairs of dwelling. Matching features of the two-storey appeal dwelling and the adjoining semi at No 42 include porches, bay windows and a pitched roof element to the single storey garage. The detached garage of No 38 is to the other side of the appeal site.
4. The proposal is to erect a two-storey side and rear extension. It would provide a second storey above the existing garage at the front and wrap around the side and rear of the appeal dwelling. The proposal includes adding two further bedrooms and a larger bathroom. At the side, the existing roof would be elongated.
5. The scale and bulk of the proposal, particularly above the garage is not part of the character of this section of the road and fills a visual gap which is part of the existing pattern of development for the pairs of semi-detached dwellings. In particular, it would unbalance the pair of semi-detached dwellings as No 42 has not been extended.

6. The appellant has referred to other properties which he considers are comparable to his proposal. No 26 Rosemary Avenue appears to have been extended but is at the end of a different section of the road and has a different relationship to its surroundings. There is a drive to the side of the extended part which retains a visual gap and a car park rather than another dwelling with outdoor space beyond the side boundary. The location of No 26 is not comparable with that of the appeal dwelling and the established pattern of development in the area of the appeal site is not of dwellings with extensions.
7. A plan has been provided which refers to "Ascot Drive extension in similar situation to the appeal site." Ascot Drive is a 5-minute walk from Rosemary Avenue and is made up of bungalows. I do not therefore find either example to be comparable to the appeal site in assessing either character and appearance or living conditions. Each proposal has to be assessed on its own merits and particular circumstances.
8. The appellant has referred to a number of perceived benefits of the proposal including having matching materials and having a single eaves height to the side. However, these matters do not mitigate the harm that arises from the siting and scale of the proposal.
9. For the reasons given, the proposal would be harmful to the character and appearance of the surrounding area. It would therefore be contrary to Policy D8 of the Wolverhampton Unitary Development Plan (UDP) which, amongst other things, states that buildings should be in scale with and compatible with their surroundings. It would also be contrary to Policy D9 of the UDP which relates to appearance and states that development should make a positive contribution to the locality. It would also be in conflict with Policy ENV3 of the Black Country Core Strategy 2001 (BCCS) which refers to high quality design reflecting the distinctive character of an area. Although the Council has provided a copy of the Extension to Houses Supplementary Planning Guidance, the document is not referred to in the decision notice and I have not relied upon it in reaching my decision.

Living Conditions

10. The location of the appeal dwelling close to the junction means that No 36 and No 38 Rosemary Avenue back onto the side of the appeal site where the proposal would be located. As a result, the modest outdoor space of the two dwellings together with rear habitable living space is in close proximity to the existing shared boundary with the appeal site. Currently, there is only single storey development beyond the boundary.
11. The proposal as viewed from the rear of No 36 and No 38 would be of another storey with an elongated roof with a large expanse of wall other than an obscure glazed bathroom window. The Council has included loss of privacy in the decision notice. However, in the absence of any further details from the Council, I do not find that the proposal would result in loss of privacy for nearby occupiers.
12. The Council has not provided any details that distinguish between loss of natural light and sunlight. Nevertheless, the height, bulk and position of the proposal on the shared boundary would in my view have an overbearing impact on neighbouring occupiers resulting in a loss of outlook and a loss of

natural light. The proposal would impact both outside space and views from rear windows. The occupiers of No 36 and 38 have objected to the proposal and I have taken their comments, where relevant, into consideration in reaching my decision.

13. I appreciate that the appellant wants to provide additional habitable rooms for a growing family. However, any grant of planning permission would be permanent, and the extension would not be removed in the event of the appellant's personal circumstances changing.
14. For the reasons given, the height, bulk and position of the proposal would be overbearing and would result in a loss of outlook and reduced levels of daylight that would be harmful to the living conditions of the occupiers of No 36 and No 38. It would therefore be contrary to Policy D8 of the UDP which states that proposals should not adversely affect people's amenities including immediate outlook, loss of daylight and loss of privacy. I find Policies D7 of the UDP and Policy ENV3 of the BCCS to be more relevant to character and appearance than living conditions.

Conclusion

15. I have not found harm due to loss of sunlight or loss of privacy on the evidence before me. However, I have found that the proposal would harm the character and appearance of the area and the living conditions of occupiers of No 36 and No 38 with particular regard to loss of outlook and loss of natural light. I therefore conclude that the appeal should be dismissed.

E Griffin

INSPECTOR