



Appeal Decision

Site visit made on 28 March 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/D4635/W/22/3309513

112 Wrottesley Road West, Wolverhampton WV6 8UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr K Kandola against Wolverhampton City Council.
 - The application Ref 22/00229/FUL, is dated 3 March 2022.
 - The development proposed is single storey rear, first floor side, double storey front extensions and loft conversion.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey rear, first floor side, double storey front extensions and loft conversion at 112 Wrottesley Road West, Wolverhampton WV6 8UR in accordance with the terms of the application, Ref 22/00229/FUL, dated 3 March 2022, 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: 22 12 02C, 22 12 03C and 22 12 04C.
 - 3) Prior to the commencement of development, 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 accordance with the approved details.
 - 4) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Main Issues

2. In light of the submitted representations, the main issues are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of nearby residents in terms of outlook, light and privacy.

Reasons

Character and appearance

3. The appeal property is a house in a residential street. Like other nearby dwellings, it is wide and set back from the highway behind a driveway and parking area. Despite the presence of vegetation to the front of some plots, most of the houses are clearly seen from the street. The residences tend to be detached with pitched roofs but otherwise they vary in appearance.

4. The proposed alterations would bring the front porch slightly further forward and would introduce a first floor addition above. These changes would result in the porch being a more conspicuous feature in the street scene. Even so, it would remain set back a similar distance from the road compared to the existing house so that it would not meaningfully reduce the open frontage of the property. Its ridge height would be below that on the main part of the roof and so it would be in proportion to the rest of the house. The upper floor window would be taller than the other fenestration on the front of the property but it would be appropriate to the size and shape of the gable front of the extension. There are similar windows on the 2 front projections at the nearby 114A Wrottesley Road West. As such, the proposed porch would reflect features already seen in the immediate context of the site and so it would not appear uncharacteristically obtrusive.
5. The side extension would close the gap at first floor level between the flank wall of the appeal property and the neighbouring residence, 112A Wrottesley Road West (No 112A). However, it would have a hipped roof and a space at roof level would remain between the 2 dwellings. Also, there is no marked consistency in the size of spaces between local houses. Accordingly, the side extension would not appear unusually near to No 112A.
6. The rear extension would not affect the street scene. It would project out a marked distance beyond the rear wall of the house but a sizeable garden would remain. Also, the addition would have a flat roof and so only the top part would be visible above boundary features from ground floor level at adjoining residences. The extension would be seen from the upper floor windows of adjacent dwellings but these localised and private views would not meaningfully affect the general character and appearance of the area.
7. The rear of the proposed side extension would reflect the size and shape of the existing projection to the back of the appeal property. Also, the roof additions would be modest and compatible in terms of scale with the existing dwelling. The proposal overall would lead to a significant increase in the size of the appeal property. However, it would not appear unduly large within its context and the plot would comfortably accommodate the development.
8. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area. In these respects, it would accord with policies D6, D7, D8 and D9 of the Wolverhampton Unitary Development Plan 2006 and policies TNP12 Part A and Part B of the Tettenhall Neighbourhood Plan 2014-2026. Amongst other things, these look to ensure development appropriately respects the established character of an area, having regard to issues such as height, scale and space around buildings.

Living conditions

9. The appeal property lies side by side with No 112A and 114 Wrottesley Road West (No 114). The side addition would not project beyond the current line of the appeal property's rear elevation and so it would have no meaningful effect on outlook from the back of adjoining properties. The single storey extension would be deep but it would only marginally protrude above side boundary features. As such, it would not appear overbearing and would allow views of the sky from the rear of Nos 112A and 114. Due to its position and height the rear extension would not unacceptably overshadow adjoining properties.

10. The proposed second floor windows in the rear elevation would provide new elevated viewpoints. However, direct views would be towards the back garden rather than towards the neighbouring properties so the windows would not lead to an intrusive loss of privacy. The flat roof of the single storey addition could be used as a raised terrace from where the back gardens on either side would be easily seen. However, it would be fair, appropriate and necessary to impose a condition on any planning permission that would prevent the flat roof area being used as a balcony or roof garden.
11. The side extension would bring the flank wall of the appeal property nearer to No 112A. By reason of its height and proximity, the extension would to a degree overshadow a first floor window in the flank of the adjacent house. Even so, the hipped roof would allow some light to reach the window. Also, it would help retain views from the window of the sky and would prevent the extension from being overbearing.
12. The front extension would be away from the common boundaries and so would have no effect on the neighbours' living conditions. Proposed rooflights to the front, side and rear would provide internal views to the sky rather than towards Nos 112A and 114.
13. I am referred to no development plan policy that specifically relates to the effect of proposals on living conditions of nearby residents. However, at paragraph 130, the National Planning Policy Framework (the Framework) looks to ensure development creates places with a high standard of amenity for existing users of property. For the above reasons, I conclude the proposal would not lead to unacceptable living conditions for occupiers of nearby residents and so it would accord with the Framework in these regards.

Other Matters

14. The proposal would lead to additional bedrooms at the appeal property and so the demand for parking spaces is likely to increase. However, the parking area to the front would remain and it would be commensurate to the size of the proposed dwelling. As such, the development would not cause unacceptable or unsafe roadside parking.
15. Concern is raised that the guttering on the side of the proposed extension would overhang the boundary of the appeal site. However, the submitted plan includes a note that no part of the extension, gutter or foundation would go beyond the legal boundary of the site. As such, the evidence suggests there would be no encroachment onto the adjoining property. In any event, this is a private matter between the relevant parties and it is not a factor that influences my assessment of the appeal.
16. Representations indicate that a person with protected characteristics in terms of mental or physical impairments resides near to the appeal property. Concern is raised that the development's effect on adjoining properties would undermine the person's enjoyment of their home, particularly in terms of the use of the back garden and views therefrom. I have had regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010. However, I have already found the development would not have a significant harmful effect on the living conditions of nearby residents. Therefore, I am satisfied the proposal would not be contrary to the aims of the PSED in terms

of advancing equality of opportunity and fostering good relations between persons who share a protected characteristic and those who do not.

Conditions

17. The appellant and the Council have had the opportunity to comment on conditions that I consider are necessary when having regard to the appeal submissions and relevant planning policies. In the interests of clarity, I have imposed a condition that requires the development to be carried out in accordance with approved plans. To ensure a satisfactory appearance, a condition on external materials is needed. A condition that limits the use of the flat roof area of the rear extension is included to prevent an unacceptable loss of privacy at Nos 112A and 114.

Conclusion

18. For the above reasons, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR