The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref. APP/D4635/D/22/3313591
3 Quail Green, Wolverhampton WV6 8DF

- 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 Bijan Moghaddam against the decision of the City of Wolverhampton Council.
- The application ref. 22/01103/FUL, dated 27 September 2022, was refused by notice dated 20 October 2022.
- The development proposed is garage extension and bedroom extension to front of property.

Decision

1. The appeal is allowed and planning permission is granted for garage extension and bedroom extension to front of property at 3 Quail Green, Wolverhampton WV6 8DF in accordance with the terms of the application ref. 22/01103/FUL, dated 27 September 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 numbered/clarified as follows:

      drawing no. 000 Location & Block Plans;

      drawing no. 001 Existing Plans and Elevations (version showing garage at 2 Quail Green and boundary fence); and

      drawing no. 002 Proposed Plans and Elevations (version showing garage at 2 Quail Green and boundary fence).

   3) Notwithstanding condition 2, the garage extension shall not be built above ground level until an accurate proposed north-western side elevation drawing, tallying with the proposed floor and block plans, of the garage extension, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with that approved drawing.

   4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Preliminary matters

2. The proposed block and floor plans do not appear to tally with the proposed side elevation drawing showing the north-western flank of the garage extension. The elevation drawing indicates that the garage extension would be set some distance back from the forwardmost front wall of the host bungalow, but the block and floor plans suggest that the front of the garage extension would be almost in line with that front wall, just like the proposed bedroom extension. The appellant's clear understanding was that he proposed to build in accordance with the block and floor plans. I have assessed the scheme on that basis. The National Planning Policy Framework (the Framework) expects decision-making to be approached in a positive and creative way, using the full range of planning tools available. With this in mind, the minor discrepancy between the plans should not be fatal for the scheme and I have addressed the matter through a planning condition.

3. The Council did not raise any planning objections to the proposed bedroom extension. I see no reason to disagree with that stance. The Council took exception to the proposed garage extension only.

Main issue

4. The main issue is the effect of the proposed garage extension upon the amenities of the neighbouring occupiers at 2 Quail Green, with particular regard to the potential for any overbearing effects on their outlook arising from the extension's visual impact.

Reasons

5. 2 and 3 Quail Green are detached bungalows situated within a pleasant residential area. No. 2 occupies a slightly lower ground level than no. 3. Their broadly parallel drives are separated by fencing and terminate at a flat-roofed garage block which spans the common boundary. The garage on the land at no. 3 joins the host bungalow. It is proposed to extend that garage forwards, at the same height as and of a similar size and design to the existing garage.

6. The Council stated that the proposed garage extension is clearly unacceptable in relation to 2 Quail Green, taking the view that the size and position of the proposed garage will appear obtrusive and overbearing to the detriment of the immediate outlook enjoyed by the occupiers and future occupiers there.

7. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy D8: Scale-Massing of the Wolverhampton Unitary Development Plan 2006 (UDP) states that the massing of a proposal should not adversely affect people's amenities in respect of immediate outlook, loss of daylight/sunlight and loss of privacy. The decision notice also refers to Tettenhall Neighbourhood Plan 2014-2026 Policy 12 Part A but as this essentially seeks to respect and reinforce the established character as detailed in the Character Studies, it has little relevance to the main issue in this case.

8. The Council did not produce a delegated report for the application. The Council has not highlighted exactly which parts of the neighbouring property would be adversely affected or referred to any tests it may have applied in making its

assessment. The Council's Questionnaire (at Part 12.b.ii) confirms that no written representations from interested parties about the application were received. I have assessed the scheme on its individual merits on the basis of my observations at my site visit.

9. The experience of 2 Quail Green as being set out with a back garden which faces north-east would endure. From the main openings in the rear-facing wall of no. 2 and the land immediately outside of them, an entirely reasonable outlook over the rear garden would remain as the proposed garage extension would be set some distance away and, unlike the garage at no. 2 itself, would be on an oblique line of sight from those areas.

10. The south-eastern side wall of no. 2 is separated from the boundary fence by the drive. The only window in this flank wall that the Council could have been realistically concerned about is the main window to the kitchen with a small dining area. The flat-roofed addition proposed would add to the bulk of building close to and above the boundary fence but it would not reach directly in front of that neighbouring window. From natural standing and sitting positions within the room, the outlook from this window when viewing straight ahead or to the right, over the wide and open front garden of no. 3 towards other dwellings beyond, would be largely unaffected. The outlook to the left would be clearly altered by the development. However, even allowing for the change in level between the 2 properties, the low flat-roofed design of the garage extension would still allow for a sufficiently unobstructed zone of outlook and daylight for neighbours viewing to the left from the window. The development would not appear to loom above no. 2 to an overbearing degree and it would be seen against the taller backdrop of the existing bungalow at no. 3 in those views.

11. Taking all relevant factors into account, I am not therefore persuaded that the proposed garage extension would give rise to such an unacceptably overbearing sense of enclosure or such an overwhelming loss of outlook for this neighbouring property as to justify withholding planning permission.

12. I find on the main issue that the proposed garage extension would avoid any materially harmful impacts on the amenities of the neighbouring occupiers at 2 Quail Green, taking into account the potential for overbearing effects on their outlook arising from the extension's visual impact. As such, there would be no conflict with the aims of UDP Policy D8. There would also be compliance with the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future users.

13. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. Allied to that, the third condition I have imposed deals with the matter I alerted the parties to in paragraph 2 above. A condition controlling external surfaces is also necessary in the interests of local character.

14. For the reasons given above, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR