

# 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: 17<sup>th</sup> April 2023**

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## **Appeal Ref. APP/D4635/D/22/3312290**

### **4 Turtons Croft, Sedgemoor Park, Bilston WV14 9YA**

- 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 Gurdev Singh against the decision of the City of Wolverhampton Council.
  - The application ref. 22/00869/FUL, dated 27 July 2022, was refused by notice dated 27 September 2022.
  - The development proposed is "*Proposed erection of single storey side extension*".
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## **Decision**

1. The appeal is dismissed.

## **Preliminary matter**

2. Insofar as I am aware, the immediate locality of the appeal site is known as *Sedgemoor Park* and the postal town is *Bilston* as declared on the appeal form, rather than *Wolverhampton* as stated on the Council's decision notice and the householder application form. The site address in the heading above is therefore taken from the appeal form.

## **Main issue**

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

## **Reasons**

4. The appeal concerns a 2-storey detached house situated on a prominent corner plot at the junction between Turtons Croft and the subsidiary cul-de-sac of Moss Gardens. Whilst no outstanding urban architecture is evident hereabouts, it is nonetheless a pleasant residential area of fairly recent origins. Most of the houses nearby are of a similar design and age. The residential estate, viewed as a whole, is based on an open plan layout. One of its most positive and locally distinctive attributes is how sizeable pockets of public open space (for example along the first part of Overfield Drive moving away from its junction with the A463, at the junction of Overfield Drive with Turtons Croft and on the junction between Turtons Croft and Stowmans Close) combine with a multitude of private grassed areas in the front and side gardens (for example at 2 and 4
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- Turtons Croft and 1 Moss Gardens) to create a variety of verdant and spacious residential settings, especially on corner plots next to junctions.
5. Indeed, the appeal property is positioned so that its gable end is set well away from the highway along Moss Gardens. The intervening space is mostly laid to grass and includes a mature hedge. There is an additional area of grass in front of the dwelling where it faces onto Turtons Croft. This arrangement provides for a distinct sense of spaciousness as one passes along Turtons Croft and when entering or leaving Moss Gardens.
  6. The principle of extending the house, adapting it to meet the needs of the current occupants, is not at issue. However, Policy D4 of the Wolverhampton Unitary Development Plan 2006 (UDP) states that proposals should respond positively to the established pattern of streets and buildings, including plot sizes, spatial character and building lines, of which they form a part. Those elements that contribute to the quality of the surrounding environment should be respected. The UDP is now of some age but this policy, the most relevant development plan policy, is consistent with the National Planning Policy Framework which advises that good design is a key aspect of sustainable development; so, development should add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and establish or maintain a strong sense of place.
  7. The proposal would comprise a sizeable side extension. It would largely take up the space between the side of the original dwelling and Moss Gardens. In so doing, there would be a number of unfortunate consequences. The extension would markedly fill in an exposed visual gap, significantly eroding the spacious qualities of this prominent corner location. The extended building would draw attention to itself as an unduly dominant feature in both street scenes, given how far the extension would reach beyond the established building line to the south along the western side of Moss Gardens and how close it would be to the highway along Moss Gardens. The space that would remain at the side of the appeal property would appear very limited in comparison to the opposing front garden at the other corner property (1 Moss Gardens), thereby unbalancing the spatial character and pattern of development around the junction.
  8. Taking the above into account, I find on the main issue that the proposed development would harm the character and appearance of the area. The appeal scheme is ill-judged in this important respect and insofar as it eschews the various design criteria and principles embodied within the UDP (especially Policies D4, D6, D8 and D9) and Policy ENV3 of the Black Country Core Strategy 2011 when viewed in the round.
  9. In support of the appeal proposal, the appellant refers to 7 other properties on the same estate where extensions have been permitted and built next to junctions or otherwise close to the road edge, infringing established building lines. I inspected all the 7 cases and should clarify that one example was at 17 Elwells (not Elwell) Close, whilst another was at 4 Porthouse Grove (not Close). There can be no doubt that the developments referred to have marred, in varying degrees, the spatial context close to the respective sites. I can understand how the appellant might feel that he has been unduly penalised and that his proposal has not been given equal consideration.

10. However, the examples given occur within a large housing estate and must be balanced against the overwhelming number of dwellings which have not been harmfully altered. As such, the examples provided have not significantly diluted the character of the area. No details of the planning history of these 7 other properties have been provided. I cannot be sure that the extensions were approved under the same local and national policies that apply to the appeal proposal before me. Of equal importance is the fact that I do not know what the specific site conditions were like at the sides of these properties before the developments themselves were permitted. I cannot be certain that the physical situations at these other sites were directly comparable to the very open and prominent corner plot I found at the appeal site.
11. Drawing these threads together, on the basis of the information put before me, I can attach only limited weight to the appellant's challenge on this point. My finding on the main issue is decisive to the outcome of this appeal. I have found that the proposal would result in harm to local character. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. In particular, as things stand, it is not outweighed by permissions for other developments elsewhere on this housing estate.
12. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR