
Appeal Decision

Site visit made on 4 September 2023

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/D4635/D/23/3324979

116C Clark Road, Wolverhampton WV3 9PD

- 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 Ms Aqeela Razahi against the decision of the City of Wolverhampton Council.
 - The application Ref 23/00153/FUL, dated 16 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is the erection of a single storey rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect on the living conditions of the current and future occupiers of the appeal property, in terms of the level of residual private garden space; and
 - The effect on the character and appearance of the site and area.

Reasons

Living Conditions

3. The appeal proposes a single storey side and rear extension to a recently constructed four-bedroom detached house which sits in a corner plot. The appellant's private garden space currently includes land to the rear of the house, as well as some space to the side of the property. The Council advises that planning consent is required for the proposal as permitted development rights have been removed.
4. The Extensions to Houses Supplementary Planning Guidance No.4 (1996) (EHSPG) recommends that any extensions should not substantially reduce the private garden area of a dwelling. The proposed single storey would occupy a significant proportion of the appellant's rear garden, leaving a limited residual garden area. I note the Council advises that the remaining garden area would be 7 metres deep, falling significantly short of the minimum garden length of 15 metres for a four-bedroom property recommended within Section 3.7 of the EHSPG.

5. As such, the proposed extension would unacceptably reduce an already limited private garden area, to a level which would not retain an adequate level of living conditions for the current and future occupiers of the appeal property. The scheme would therefore constitute overdevelopment.
6. I note that the appellant does not require a garden of the current size, stating that a garden of 50 square metres is adequate for her family's needs. The appellant's agent states that her children socialise with friends elsewhere and there is a park nearby. However, given that I must also have regard to the living conditions of future residents, I attach limited weight to this in considering the appeal.
7. Taking all these matters into consideration, I conclude that the scheme would be contrary to Policies D4, D6, D7, D8, D9 of the Wolverhampton Unitary Development Plan 2001-2011 (2006) (UDP), Policy ENV3 of the Black Country Core Strategy (2011) (CS) and the guidance set out in EHSPG. Taken together, these seek to protect existing garden areas and safeguard the living conditions of existing and future residents.

Character and Appearance

8. The appeal dwelling sits at a prominent corner location at the junction of Clark Road and Paget Road. The proposal includes a large flat roof extension, which would extend beyond the side elevation of the house right up to the side boundary of the site. As such, the structure would both fail to reflect the form of the existing property and it would unacceptably breach the established building line of other properties on this part of Clark Road. On this basis, the proposed development would appear overly prominent and incongruous in relation to both the application site and streetscene.
9. For the reasons above, I conclude that the proposal would unduly harm the character and appearance of the site and area. It would therefore be contrary to UDP Policies D4, D6, D7, D8, D9, CS Policy ENV3 and the guidance set out in Supplementary Planning Guidance 4. Taken together, these seek to secure good quality design which responds to the context of the host dwelling and area, including established building lines.

Other Matters

10. In reaching my decision I have considered all matters raised by the appellant in support of the proposal. I recognise that the appellant bought the property with a view of extending it and that the proposed extension is required to accommodate working from home arrangements.
11. I note the appellant's fear of crime and her belief that developing the land to the side of her home would improve security and safety. However, I consider that this issue could be addressed in a more sympathetic manner.
12. I also acknowledge that there are special medical, religious and cultural circumstances associated with this proposal. I have carefully considered all information submitted in this respect.
13. Refusal of the scheme would engage Human Rights matters. Having regard to Article 8 and Article 1 of the first Protocol, there would be interference with the occupier's rights in respect of private and family life, and the peaceful

enjoyment of possessions respectively. However, there are legitimate aims in protecting the living conditions of existing and future residents, as well as the character and appearance of the area. The scheme falls short of acceptability in both these respects. The harm would be permanent and long standing. Consequently, these personal circumstances do not outweigh the significant harm I have described. Such a conclusion is necessary and proportionate in this case.

Conclusion

14. I have found the proposal would conflict with the development plan when taken as a whole. There are no other considerations which outweigh this conflict. I therefore conclude the appeal should be dismissed. The proposal would not unacceptably violate the family's rights under Articles 1 and 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

Rebecca McAndrew

INSPECTOR