



Appeal Decision

Site visit made on 29 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/D4635/W/23/3319038

2A School Road, Tettenhall Wood, Wolverhampton WV6 8EJ

- 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 I Ali against the decision of City of Wolverhampton Council.
 - The application Ref 22/01062/FUL, dated 13 September 2022, was refused by notice dated 11 January 2023.
 - The development proposed is demolition of 2 existing garages to the rear of property 2A and replaced with a 2 storey, 3 bed dwelling with full box dormer to rear roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In September 2023, the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

3. The main issues are:
 - i. The effect of the proposed development on the character and appearance of the area and host property and whether the proposed development would preserve or enhance the character or appearance of the Tettenhall Wood Conservation Area (the CA), and in the event that any harm is identified, whether that harm would be outweighed by any public benefits of the proposal;
 - ii. whether appropriate living conditions would be provided for the existing occupiers of the host property and also the future occupiers of the proposal, with regard to the provision of amenity space; and
 - iii. the effect of the proposed development on the living conditions of the occupants of No 4 School Road, with particular reference to noise and disturbance.

Reasons

4. The appeal site occupies a backland location, behind No 2, 2A and 4 School Road, within the residential settlement of Tettenhall Wood. The site is accessed via a narrow, unmade track, adjacent to the side of No 4, which leads to four

flat roofed garages and the associated parking and turning areas. The proposed development would replace two of the garages with a 3-storey detached dwelling, with the 3rd storey completely in the roofspace, including the proposed box dormer, along with frontage parking and rear garden area.

Character or appearance of the CA

5. The site is located in the CA and as such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The Tettenhall Wood Conservation Area Character Appraisal (Appraisal) was approved by the Council in 2008 and the appellant has set out that the Appraisal pre-dates all adopted local and national planning policy and as such, cannot be considered to be an up-to-date reflection of the character of the locality. Furthermore, they consider that there are parts of the CA that do not warrant inclusion, including the appeal site and its immediate surroundings. However, I have received no substantive evidence to indicate that the Appraisal is no longer relevant or that there is any clear basis or intention to amend the CA boundary. In any case, I have determined the appeal based on all of the evidence together with my own observations.
6. The CA is characterised by prominent nineteenth century red brick, 2-storey buildings set amongst trees and open space, which are a prominent characteristic of the settlement of Tettenhall Wood. Therefore, it is the architecture of the buildings, the open spaces, and trees, which comprise the main historic interest of the CA.
7. The site is located close to a main crossroads through the settlement, which has a variety of designs and ages of buildings, which have a mix of uses, that extend down School Road, including shops, a community centre, and a public house. In particular, the Tettenhall Wood Institute building occupies a prominent position on the crossroads, which has a visual presence on the approach to School Road. The more modern buildings along School Road are set amongst the attractive nineteenth century red brick buildings and whilst the modern buildings have limited character and an abrupt appearance, they demonstrate how the settlement has evolved over recent years. They also contribute to the vibrant nature of this part of the CA, particularly around the crossroads, which is at the core of the settlement and is an intrinsic part of its character also.
8. The appeal site is located on the edge of the CA, but the immediate setting is characterised by No 2, 2A and 4 School Road, as well as the Tettenhall Wood Institute building, which is a Locally Listed building. The relatively spacious car park to the side of the Tettenhall Wood Institute building has an open character and the mature trees on the boundary are features within the immediate setting that are important attributes of the wider characteristics of the CA.
9. No 2 and 4 School Road are identified in the Appraisal, as buildings that make a positive contribution to the character and appearance of the CA, as I observed to be the case, whereby they reflect the locally characteristic architecture of the CA. Whilst 2A is not identified within the Appraisal as having any positive contribution within the CA, it has some design and architectural features, such as red facing bricks, a steep gable roof, and decorative bargeboards, that broadly respect the older buildings within the CA. Therefore, this part of School Road has an attractive setting and overall, it has largely preserved its historic character as a nineteenth century settlement.

10. The appellant states that the proposed dwelling has been designed to reflect neighbouring dwellings on Tanfield Close, which are outside of the CA. In particular, the front building line of the proposed dwelling has been designed to replicate No 12 Tanfield Close, which is a modest end of terrace property. Therefore, notwithstanding the slightly higher ridge height of the proposed dwelling, it would not appear significantly different, in terms of design and appearance, as the adjacent terrace of properties on Tanfield Close. Facing and roofing materials could also be controlled by condition, which would further ensure it has an acceptable appearance within the context of Tanfield Close.
11. However, the appeal proposal would include a box roof dormer, within the rear roof slope, which would result in the rear elevation having a 3-storey appearance. It is this element of the proposed dwelling which would be visually prominent by virtue of its scale and the open views from within the CA, particularly from School Road. The box roof dormer would be a design feature that would appear as a stark contrast to the existing vernacular of the important buildings within the CA and would result in an incongruous and harmful appearance, which would be exacerbated by the open views of the site.
12. I acknowledge that the proposed dwelling would result in the replacement of the two existing garages, which have an unsightly and tired appearance, but they are a modest structure, with limited views from within or outside of the CA, due to their position and scale. In contrast, the proposed development would sit directly alongside the two garages that would remain and it would be more visually prominent and occupy more of the site. I also acknowledge the context relating to the existing presence of the detached building referred to as 10a on the submitted plans, to the rear of properties labelled as 6 and 6a School Road. However, due to that location, that building is not as visually prominent as the proposed development would be from public views within the CA, including in relation to the buildings comprising No 2, 2A and 4 School Road.
13. For the above reasons, the proposed development would harm the character and appearance of the area and host property and would fail to preserve the character and appearance of the CA. As such, in respect of this issue, it would conflict with Policies D8, D9, HE3, HE4 and H6 of the Wolverhampton Unitary Development Plan 2001-2011 (UDP) and Policies ENV3 and CSP4 of the Black Country Core Strategy (BCCS), which together, amongst other things, require development to be of high quality design, respect and enhance local character and promote the preservation and enhancement of the character and appearance of a CA.
14. I have had regard to paragraph 199 of the Framework, in terms of giving great weight to the CA's conservation, which is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case, the harm that I have found would be caused to the significance of the CA would be less than substantial due to the relatively small scale of the proposed development. As such, under paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. The site represents previously developed land, in a sustainable urban area by virtue of its proximity to local services on foot, along with access to public

transport opportunities. The construction of a new dwelling would provide both short and long term associated social, economic, and environmental benefits during the construction phases and following occupation. A new dwelling would contribute to the mix of housing on offer in the locality and boost the supply of new housing, as referenced in the Framework. However, it is likely that the above benefits would be fairly small, relating to only one new dwelling, thereby attracting limited weight.

16. The appellant claims that the proposal would visually improve the existing site. However, as set out above, I have reached my findings of harm to the character and appearance of the area and host property and to the CA having taken account of that existing situation.
17. For the above reasons, the public benefits of the proposed development would be insufficient to outweigh the less than substantial harm that would be caused to the significance of the CA.

Living conditions of existing and future occupants

18. The proposed development would be built on the site of the existing garages, which are adjacent to No 2, 2A and 4 School Road but it would also result in the sub-division of the rear garden of No 2A, reducing its size. The proposed dwelling would be accommodated on the site and would have a rear garden area of approximately 83 square meters. A close boarded fence would be erected to separate the resultant garden areas.
19. The Council in the second reason for refusal refers to policies D4 and D6 of the UDP and policies ENV3 and CSP4 of the BCCS. Those policies do not clearly relate to this main issue concerning living conditions and so are not directly relevant. However, paragraph 130 of the Framework advises that planning policies and decisions should ensure that development achieves a high standard of amenity for existing and future users. The level of outdoor amenity space provided by a development is an important factor in whether it would achieve this.
20. Whilst the proposed development would result in the sub-division of the host property, the submitted plans demonstrate that a private rear garden area, of a reasonable size, would be maintained for the existing occupiers, which would provide space for activities such as sitting out, drying clothes, and for children to play. Likewise, the proposed dwelling would provide prospective occupiers with a rear garden area sufficient for similar activities.
21. For the above reasons, I conclude on this main issue that the level of garden space for the occupiers of the host property and the future occupiers of the proposed dwelling would be acceptable. As such, in respect of this issue the proposed development would accord with paragraph 130 of the Framework.

Living conditions of No 4 School Road

22. The access track to the appeal site runs to the side of No 4 School Road, which has a timber fence on its side boundary. The track provides unrestricted access to the rear parking area and double garages for No 2 and 2A School Road. The double garage for No 2A would be replaced by the proposed dwelling and vehicle parking would be provided for its future occupiers.

23. I would anticipate that the proposed development would generate more vehicle movements along the track than the existing garages on the basis that No 2A also has a large driveway available for parking at the front of the main house. It would therefore be likely to generate more vehicle and pedestrian related noise than the existing situation.
24. No 4 is set within a spacious curtilage with large rear garden. It has a large single storey garage at the side, along with a pedestrian access gate, which results in the gable wall of the main house being set off the boundary. The gable wall has an entrance door and window at ground floor and a single window at both first floor and second floor. However, due to the spacious curtilage and the gable wall being set off the boundary, the impact from additional use of the track, would unlikely to be significant.
25. For these reasons, I conclude on this issue that the proposed development would not cause a negative effect on the living conditions of the occupiers of No 4 School Road, with particular reference to noise and disturbance. As such, in respect of this issue, the proposed development would accord with policies EP5 & H6 of the UDP, which together and amongst other things, seek to prevent unacceptable levels of noise pollution and protect the amenity of neighbouring residents.

Conclusion

26. I have found that the proposed development would not cause unacceptable harm to the living conditions of the residents of 4 School Road and that an acceptable level of amenity space would be achieved for the existing occupiers of the host property and future occupiers of the proposed dwelling, which would protect their living conditions. However, these factors do not change or suitably address my finding that the proposed development would harm the character and appearance of the area and host property and would fail to preserve the character and appearance of the Tettenhall Wood Conservation area and would not provide any public benefits sufficient enough to outweigh the less than substantial harm identified.
27. For the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR