

Appeal Decision

Site visit made on 1 December 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/D4635/D/23/3331351

22 Prouds Lane, Bilston, Wolverhampton, WV14 6PR

- 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 Mrs K. Lal against the decision of the City of Wolverhampton Council.
 - The application Ref 23/00569/FUL, dated 17 May 2023, was refused by notice dated 21 September 2023.
 - The development proposed is alteration, first floor rear extension and garden room. NB ground floor extension ongoing construction on site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook, privacy and daylight/sunlight.

Procedural Matter

3. The description of development is taken from the application form. The description of development on the decision notice is "Two storey and single storey rear extensions. (Part Retrospective)." Partial, unfinished development has taken place on site.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwelling set back from the road behind a parking area, with a narrow driveway to the side and a garden area to the rear.
 5. The surrounding area is residential and is characterised by the presence of detached and semi-detached dwellings set back from the road behind short front gardens and/or parking areas and with longer gardens to the rear.
 6. Dwellings are largely of brick and slate construction and whilst dwellings across the wider area range in age, the appeal property and its immediate neighbours comprise period dwellings complete with a number of attractive features,
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including ornate brickwork, bays, gables and large windows. This affords a distinctive sense of place to the area, which is also enhanced by the presence of gardens, street trees and playing fields opposite the dwelling, thus providing for an attractive green and spacious character.

7. During my site visit, I observed that whilst there is evidence of dwellings in the area having been altered and/or extended, such changes tend to appear in keeping with the character of the host property and its surroundings.
8. The proposal would extend the appeal property to the rear at single and two storey height. Some works have taken place in respect of the proposed single storey element, a conservatory.
9. The proposed two storey extension would be set at a considerably lower height than the host dwelling. I find that this, when combined with the proposed fenestration and hipped roof, neither of which would match the existing form of the dwelling, would result in the proposed extension visually jarring with the appearance of the host property.
10. As a consequence of the above, I find that, rather than appear in keeping with and subservient to the established character of the dwelling, the two-storey extension would appear as a somewhat awkward addition. This would be detrimental to the appearance of the dwelling and whilst set to the rear of the house, the changes would be visible from surrounding properties, as well as from the appeal property itself. An area of garden would be replaced by a visually awkward development, and this would be to the detriment of the area's identified qualities.
11. Taking the above into account, I find that the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to BCS¹ Policy ENV3 and to UDP² Policies D4, D6, D7, D8 and D9 which together amongst other things, seek to protect local character.

Living conditions

12. As above, the proposal includes a ground floor conservatory. This element, which has been partially constructed, is located in very close proximity to the appeal property's rear boundary with the adjoining dwelling, Number 24 Prouds Lane.
13. The conservatory would be tall with a pitched roof and would project to the rear for a considerable distance. I find that in combination, the height, projection and close proximity of the conservatory to the shared rear boundary would result in it looming above No 24's rear garden and rear facing windows to an overbearing extent, such that it would detract from the outlook from that property.
14. I find that the harm arising from this would be exacerbated as a result of the conservatory's location to the south of No 24's garden, whereby its overall scale and siting would lead to a reduction in the amount of daylight and sunlight

¹ Reference: Black Country Core Strategy (2011).

² Reference: Wolverhampton Unitary Development Plan 2001-2011 (2006).

reaching the rear of No 24 and there is no substantive evidence before me to demonstrate to the contrary.

15. The appellant has stated that "all windows on the south and north elevations to be fixed and obscure glazed" and I consider that this would prevent the proposal from resulting in significant harm arising in respect of privacy. However, this is not something that reduces or mitigates against the harm identified and hence the decision below.

16. Taking all of the above into account, I find that the proposed development would harm the living conditions of neighbouring occupiers with regards to outlook and daylight/sunlight, contrary to the National Planning Policy Framework; and to UDP Policies D4, D7 and D8 which together amongst other things, seek to protect residential amenity.

Other Matters

17. In support of the proposal, the appellant refers to other developments in the surrounding area. However, none of these are so similar to the proposal before me as to provide for direct comparison. In any case, the proposal would result in significant harm, and this is not something that is mitigated by the presence of other developments elsewhere.

Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR