



Appeal Decision

Site visit made on 22 November 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/D4635/W/23/3320876

Letmedirect.Com, 516 Stafford Road, Wolverhampton WV10 6AN

- 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 Sukhdev Jandu (Let Me Direct Ltd) against the decision of City of Wolverhampton Council.
 - The application Ref 22/01535/FUL, dated 13 December 2022, was refused by notice dated 1 March 2023.
 - The development proposed is described as "office extension to the rear of existing premises to provide improved facilities and access for people with mobility issues."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the proposed development in the banner heading above is taken from the planning application form. However, the above description differs from that on the appeal form which states, "erection of an office outbuilding for first floor office use 'Let Me Direct Ltd'." This description on the appeal form more accurately describes the proposal and I have therefore dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - whether the proposal would be in a suitable location, having regard to local and national policy, and whether the proposal would conflict with the sequential approach advocated within the National Planning Policy Framework.

Reasons

Character and Appearance

4. The appeal site comprises the rear garden area of 516 Stafford Road (No 516). No 516 is a semi-detached two-storey building that accommodates a betting shop at ground floor and an office at the first floor, with access obtained by an external staircase to the rear of the building.

5. The garden area behind the existing building consists of a lawn area and a hardstanding area nearest to the building. Wooden fence panels and hedging run along the site's boundaries.
6. The existing properties along Stafford Road are mainly a mix of retail and commercial properties. There is a consistency in the existing properties, in that they follow established building lines and generally have a presence within the street-scene, which creates a strong pattern of development.
7. The proposal would introduce a detached single storey building on land beyond the rear building line of the existing built form. Whilst the flat roof design would give the proposal a low profile, the proposed building's footprint would cover a large portion of the rear garden of No 516, extending to the appeal site's rear boundary. The proposed building would also extend almost the entire width of the site, with its side elevation in close proximity to the adjoining rear garden boundary. Its height would also be taller than the existing boundary fencing. This would result in a building of considerable bulk and mass with a large expanse of flat roofing.
8. Consequently, the siting, scale and mass of the proposed building would be out of keeping with the building pattern that characterises the surrounding area. The proposal would create an incongruous form of development adjacent to a well-established rear garden environment and would not respond positively to the overriding spacious character of the area.
9. Although the hedging along the site's boundaries would provide some degree of screening when in leaf, it would not prevent views of the proposal from neighbouring properties. I observed that some of the hedging was not located within the appeal site, and therefore the appellant would not have any control over its preservation. If the hedging were to die off, be chopped down or removed completely, the proposal would become exposed, intensifying its visual prominence.
10. Whilst the proposed timber cladding would help to assimilate the proposal with the existing boundary fencing, this would not alleviate the harm that would be caused by the scale and massing of the proposal to the prevailing character of the area.
11. I acknowledge that to the rear of existing properties on Stafford Road is a small public car park, which is positioned adjacent to the site. Nonetheless, the surface car parking area provides a sense of openness and gives relief to the surrounding built-up form. In contrast, the proposal would fail to preserve the open appearance found to the rear of the properties.
12. The appellant has also drawn my attention to a garage/car workshop that extends beyond the rear building line of the existing built form. However, I do not have the planning history to this development before me. Furthermore, there are no other examples of similar backland development in the immediate locality of the site. Therefore, it is not characteristic of the area. In any event, I have determined this appeal on its own merits.
13. The appellant has drawn my attention to some outbuildings within the surrounding area. Nevertheless, these are smaller than the proposal before me and would be used for domestic purposes. As such, their presence does not alter my decision.

14. I accept that permitted development rights for residential properties would allow outbuildings, however, these are generally more discreet than the proposal before me, and in any event, are an accepted part of residential areas.
15. For the reasons given, the proposal would cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would fail to accord with Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy (2011) (Core Strategy). Collectively these policies, amongst other things, seek to ensure developments achieve high quality design, respect local distinctiveness, and preserve or enhance local character. It would also fail to accord with the design objectives of the National Planning Policy Framework (Framework).
16. The decision notice refers to Policy EP5 of the Wolverhampton Unitary Development Plan (2006) (UDP). However, as this policy relates to noise pollution, I do not find it to be relevant to this main issue.

Living Conditions

17. The Council is concerned that the proposal would result in noise and disturbance to neighbouring occupiers. Policy EP5 of the UDP states that developments which are likely to give rise to unacceptable levels of noise pollution will not be permitted, unless measures can be taken to reduce noise emissions or intrusion to acceptable levels.
18. However, the noise associated with the proposed office would be mainly restricted to the proposed building and should comfortably be controlled by the building structure itself. Whilst comings and goings are considered out of character with the predominantly private rear garden environment, it would not be dissimilar to the existing office that is accessed from the rear of No 516. I have not been provided with any evidence of historical complaints connected to No 516.
19. As the appellant indicates, the number of visitors to the office would be similar to that generated by the existing office. Furthermore, the proposed building would be accessed by pedestrians only and the business would operate during normal working hours, which could be secured by a planning condition. No noisy machinery would be operated within the proposed building, only administrative office functions and occasional meetings with tenants. I also note that the Council has not provided substantive evidence to support their noise and disturbance assertions.
20. Based upon the evidence before me, and what I saw at my site visit, I am not persuaded that the proposal would harmfully impact upon the living conditions of neighbouring occupiers.
21. Consequently, I conclude that the proposal would not cause significant harm to the living conditions of neighbouring occupiers, with regard to noise and disturbance. Therefore, for this main issue, I find no conflict with the Framework, Policy EP5 of the UDP, or Policies CSP4, ENV2 and ENV3 of the Core Strategy.

Suitability of Location

22. Policy CEN7 of the Core Strategy states that there is a clear presumption in favour of focusing development in centres. For District and Local Centres, town centre uses adjoining the centre will be defined as edge-of-centre.
23. In seeking to provide town centre uses in appropriate locations, paragraph 87 of the Framework makes clear that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It also states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
24. The appellant's statement clearly shows that the proposal would be located within the boundary of the Three Tuns District Centre. Although the proposal would be a separate stand-alone office building positioned to the rear of the existing built form along Stafford Road, there is no specific advice before me to indicate that the proposal would need to have a street frontage within the district centre for this main issue. Consequently, I agree with the appellant that the appeal site is located within the district centre. The proposal would also be within easy walking distance of services and facilities located within the district centre and therefore would be in an accessible location.
25. Accordingly, for this main issue, the proposal would be in a sustainable location and would not adversely impact on the vitality and viability of the existing district centre. It would comply with the Framework, and the objectives of Policies CEN1, CEN3, CEN5, CEN6 and CEN7 of the Core Strategy. It would also comply with Policies SH1, SH3 and SH7 of the UDP. Collectively, these policies seek to focus development on the town and district centres to sustain and enhance its retail and commercial offer.

Other Matters

26. The proposal would make it easier for people with mobility issues, people with pushchairs and elderly visitors to access the office. It would also be an energy efficient building, constructed using renewable and sustainable materials and would be located in a sustainable location. However, given the specific nature of the office use, these benefits would attract limited weight that would not outweigh the harm identified to the character and appearance of the area.

Conclusion

27. I have found no harm in respect of the effect of the proposal on the living conditions of neighbouring occupants and the suitability of the proposal's location. However, this is a neutral effect and does not outweigh the harm resulting from the proposal's effect on the character and appearance of the area.
28. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR