



Appeal Decision

Site visit made on 12 December 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2024

Appeal Ref: APP/D4635/D/23/3328759

5 Grove Lane, Wolverhampton, WV6 8NH

- 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 Simon Tranter against the decision of City of Wolverhampton Council.
- The application Ref 23/00091/FUL, dated 2 February 2023, was refused by notice dated 12 June 2023.
- The development is a side facing first floor bedroom window and external cladding.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 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.
3. I observed during my site visit that the first floor bedroom window and external cladding were completed. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - i. whether the external cladding preserves or enhances the character or appearance of the Tettenhall Wood Conservation Area (the CA), and in the event that any harm is identified, whether that harm is outweighed by any public benefits of the development; and
 - ii. the effect of the side facing first floor bedroom window on the living conditions of the occupants of No 1 Grove Lane, with particular reference to privacy.

Reasons

Character or appearance of the CA

5. 5 Grove Lane is a large, detached dwelling located within the Tettenhall Wood Conservation Area and, as such, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA.

6. The appeal site is located on a quiet, narrow lane, with buildings and boundary walls built up to the road edge. The buildings and boundary features, along this part of Grove Lane, utilise a variety and mix of materials but the wider 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 and comprise the main historic interest of the CA.
7. Grove Lane has a sedate and unique setting, with a steep gradient which is reflective of the topography of the area with dwellings opposite sitting on a significantly higher ground level than the appeal site.
8. The host property has been extended previously and render has been added to the original walls. A more recent two storey side extension has been constructed and timber cladding has been added to the front, side, and rear elevations. The extension is large and highly prominent due to its position, at the side, and its proximity to the narrow lane at the front.
9. I acknowledge that there is support for the timber cladding from neighbouring occupiers and third parties who consider that the works have improved the appearance of the building within the CA. I also accept that timber cladding is evident on other buildings in both the immediate and wider area. In particular it is a feature of the outbuilding located in the rear garden area of the host property, as well as on a detached dwelling, Oakleigh, located at the junction of Grove Lane with Holloway Lane. The appellant has also identified a number of other examples of timber cladding on buildings within the CA, including a detached building at Number 8 The Holloway.
10. However, in many cases the extent of timber cladding represents a small feature on those buildings. The building at No 8 The Holloway is slightly set back from the road and it has a modest size and form. It is also partially screened by the boundary wall, with hedge above, which reduces its prominence from certain views within the CA. Therefore, timber cladding has a more subtle appearance on those buildings within their surroundings.
11. In contrast, the timber cladding on the host property has a prominent and stark appearance along Grove Lane due to the amount of cladding and its proximity to the road, which is exacerbated by its appearance against the white rendered walls of the main dwelling. Therefore, the external timber cladding does not suitably integrate amongst the mix of materials on other buildings and boundary walls along Grove Lane and it has an incongruous and unacceptably harmful appearance within the CA.
12. I conclude that the external cladding fails to preserve or enhance the character or appearance of the CA. As such, it conflicts with Policies D8, D9, HE3, HE4 and HE5 of the Wolverhampton Unitary Development Plan (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.
13. The Framework advises at paragraph 205 that great weight should be given to the CA's conservation. Significance can be harmed or lost through alteration of the heritage asset. As heritage assets are irreplaceable, any harm or loss

should require clear and convincing justification. For the reasons set out above, I consider that harm has been caused to the significance of the CA.

14. Accordingly, while less than the 'substantial harm' referred to in paragraph 207 of the Framework, the harm to the CA is nevertheless a matter of considerable importance in this case. That harm is less than substantial due to the relatively small scale nature of the development carried out. As such, in accordance with paragraph 208 of the Framework, this harm should be weighed against the public benefits of the development including, where appropriate, securing its optimum viable use.
15. The appellant has sought to maintain and refurbish the original dwelling to improve its appearance, as well as insulate the building with a natural material. However, these benefits only attract limited weight and cannot outweigh the harm to the significance of the CA.
16. For the above reasons, the public benefits of the development are insufficient to outweigh the less than substantial harm that is caused to the significance of the CA, and it conflicts with the aim of the Framework to conserve and enhance the historic environment.

Living conditions

17. The first floor side facing bedroom window (side facing window) is a secondary window to that room, with two larger windows on the rear elevation, which are the primary windows to the room and have an outlook towards the rear garden of the host property. The side facing window has an outlook towards the blank side wall of the neighbouring property, 1 Grove Lane (No 1). Therefore, it does not directly face windows of No 1.
18. I acknowledge that the side facing window has oblique views towards the rear garden area of No 1. However, the outlook is significantly restricted by the juxtaposition of the window to the neighbouring garden, owing to the oblique angle, the topography, the separation distance and the high fence and foliage on the boundary.
19. While I accept that the foliage could be removed at any time by the occupiers of No 1, its loss would not significantly increase overlooking or loss of privacy to the neighbouring rear garden area from the window.
20. For the above reasons, the side facing first floor bedroom window does not cause unacceptable harm to the living conditions of the occupants of No 1 Grove Lane, with particular reference to privacy. As such, it does not conflict with policies D4, D8 and H6 of the UDP and policy ENV3 of the BCCS and paragraph 135 of the Framework, which together and amongst other things, seek to protect the amenity of neighbouring residents.

Conclusion

21. I have found that the side facing first floor bedroom window does not cause unacceptable harm to the living conditions of the occupants of No 1 Grove Lane. However, the external cladding does harm the significance and fail to preserve or enhance the character or appearance of the Tettenhall Wood Conservation Area. There are no public benefits sufficient enough to outweigh the less than substantial harm identified.

22. In conclusion, the development is contrary to the identified policies of the development plan as a whole and there are no other material considerations which outweigh this conflict. For the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR