



Appeal Decision

Site visit made on 14 May 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/D4635/24/3341686

120 Wergs Road, Wolverhampton WV6 8JT

- 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 Hardip Singh Chana against the decision of the City of Wolverhampton Council.
 - The application Ref 23/01268/FUL, dated 30 November 2023, was refused by notice dated 15 February 2024.
 - The development proposed is alteration of approved 4 garages under planning ref APP/D465/D/14/2219820 to create 2 secure garages and upper floor home office.
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Decision

1. The appeal is allowed, and planning permission is granted for 2 secure garages and upper floor office at 120 Wergs Road, Wolverhampton WV6 8JT in accordance with the terms of the application, Ref 23/01268/FUL, dated 30 November 2023, and the plans submitted with it, subject to the conditions listed in the schedule at the end of this decision.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the street scene, and the effect on the living condition of residents at 91 Cranmere Avenue regarding outlook.

Reasons

Character and appearance

3. The appeal building is a detached dwelling located in a mainly residential area alongside the busy Wergs Road. There are commercial properties and the Crown public house nearby on the opposite side of the road. The site has an extant permission for a two-storey extension with sheltered garages and a summerhouse. Works to the main dwelling were completed in 2020. That permission was for a block of four garages aligned alongside the southern boundary wall of the site. The appeal proposal relates to a block of two garages and a storeroom with a home office above, to be sited alongside the western boundary.
4. Dwellings in the locality vary in size, form, and design with no regularity in character. The proposed garage block would be of a distinctive design with a pitched roof and arched doorways to match the arched window at the house. Although it would be higher than the previously allowed four garages block it

would be in scale with the size of the dwelling. Its siting, next to the site boundary and with a gable end wall facing Wergs Road, would create a positive sense of enclosure to the property. Although the end wall of the garage would be prominent when viewed from Wergs Road there are other large buildings nearby relatively close to the road at the Wergs Road/Woodthorne Road junction. Subject to appropriate conditions, the proposal would cause no significant harm to the street scene. It would therefore comply with Black Country Core Strategy (BCCS) policies ENV3 and CSP4 concerning design quality and place-making, Saved Unitary Development Plan (UDP) policies D4, D7, D8 and D9 which together, amongst other things, seek that proposals reinforce local distinctiveness and are of appropriate scale and massing, and Tetenhall Neighbourhood Plan policy TNP which requires new buildings to respect the character of the area.

Effect on Living Conditions

5. The appeal site is over one metre lower than the garden of the adjacent dwelling of 91 Cranmere Avenue. Windows in the front elevation of that building would allow angled views of the roof of the proposed garage building. However, there would be a significant separation distance, given that the dwelling is around 26 metres from the side boundary of 120 Wergs Road. The uppermost part of a small outbuilding may be seen next to, and above, the concrete block boundary wall at the appeal site. Some small pyramidal conifers have also been planted in the garden of 91 Cranmere Avenue at the rear of that boundary wall.
6. The appeal proposal would be around one metre higher than the approved block of four sheltered garages. I consider that the modest increase in height, intervening vegetation, and distance from the front elevation of 91 Cranmere Avenue would not result in a significant increased loss of outlook for the occupiers of 91 Cranmere Avenue from their dwelling or rear garden when compared to the visual impact from the fall-back sheltered garage scheme. The proposal would therefore comply with Black Country Core Strategy (BCCS) policies ENV3 and CSP4 and Saved Unitary Development Plan (UDP) policies D7 and D8 which seek to avoid overbearing development and to protect peoples' amenities including their immediate outlook.

Other Matters

7. Although the Council cites its Supplementary Planning Guidance 3 Residential Development in the reasons for refusal, no specific reference is provided.
8. I acknowledge that the proposal has been designed to provide the benefit of enabling natural surveillance of the property in the interest of reducing any anti-social behaviour and fear of crime. This is a matter which adds weight to my decision.

Conditions

9. In addition to the standard condition regarding the timescale for the development, a condition is added to confirm the approved plans. Matching external materials are required to protect the character and appearance of the area. Conditions restrict the use of the building to incidental use associated with the dwelling with no residential or other use, in the interest of residential

amenity. Conditions are also imposed to remove permitted development rights in respect of extensions and additional windows to protect the amenity of neighbours.

Conclusion

10. For the reasons given above the appeal is allowed, subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be in accordance with the following approved plans: 120_002 Proposed site plan and 120_003 Proposed garage plans and elevations.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
- 4) The development hereby permitted shall be used only for purposes incidental to the use of the dwelling house and not for any commercial, industrial, or business purpose.
- 5) The development hereby permitted shall be used as part of the dwelling house and shall not be used as a separate dwelling.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking, replacing and re-enacting that Order with or without modification) no further windows or other form of opening above ground floor level including roof lights shall not be introduced into the rear and side elevation of the garage hereby permitted.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking, replacing, and re-enacting of that Order with or without modification) there shall be no extension and no roof extension of the garage forming part of the development hereby permitted, without prior planning permission being obtained.