



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:

Appeal Ref: APP/D4635/D/24/3342938

138 Springhill Road, Wolverhampton WV11 3AQ

- 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 Gurpreet Singh Atwal against the decision of the City of Wolverhampton Council.
 - The application Ref 23/00973/FUL, dated 8 September 2023, was refused by notice dated 30 January 2024.
 - The development proposed is a two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have determined this appeal on the basis of the Council's description of development as a "two storey side and rear extension, ground floor front extension, single storey rear extension and dormer roof extension to rear elevation" as I consider it to be a more accurate specification. Although the proposed development is part retrospective, I have based my decision on the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbours at 136 Springhill Road in respect of outlook and received light.

Reasons

4. The appeal building is a linked semi-detached dwelling located in a residential area. The Council has raised no detailed objection to the appeal proposal concerning the effect of the extensions on the character and appearance of the building and surrounding area. However, the proposed development would significantly extend the building at its front, rear and side elevations.
5. Turning to the main issue, the Council considers that the ground floor rear extension would have excessive depth, although the dwelling received prior approval in July 2023 for a single storey rear extension, projecting around 5 metres beyond the rear wall of the original dwelling, and around 3.38 metres in maximum height. That development has been partly implemented. However, at around 5 metres the extension as proposed would have an adverse effect on the outlook from the nearest ground floor rear window at 136 Springhill Road because of its degree of projection along the boundary, height and proximity. The proposed first floor extension would be set back from the boundary with

number 136 by around 2 metres. Despite this, the development as a whole, including the proposed dormer window would have an overbearing effect on the occupants of number 136 and outlook from their nearest ground floor rear window because of the scale, bulk and proximity of the proposed rear extensions.

6. In view of the orientation of the dwellings there would be some loss of sunlight in the early morning period and loss of daylight to the nearest ground floor window at number 136 from the ground floor rear extension as proposed.
7. The proposal would have a significant harmful effect on the living conditions of neighbours at 136 Springhill Road in respect of loss of light and outlook. It would therefore conflict with BCCS policy ENV3 and UDP saved policies D7 and D8 which seek to avoid overbearing development and to protect peoples' amenities including their immediate outlook.

Other Matters

8. Matters raised by the occupant of 140 Springhill Road concerning the adequacy of foundations, stability of walls, effect on gas and fibre optic infrastructure, sound insulation, surface water drainage and foul sewer drainage would be for the local authority to assess under the Building Regulations.

Conclusion

9. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR