



Appeal Decision

Site visit made on 4 June 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/D4635/D/24/3341111

34 Moat Green Avenue, Wolverhampton WV11 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Vladimir Merla against the decision of City of Wolverhampton Council.
 - The application Ref is 23/00751/FUL.
 - The development is described as *"Building front of house decking on all width of the house 9m, 25cm height from ground and 1.5m deep from house. Front of house land is not level and it wasn't safe for us with the current paving slabs"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed during my site visit that the development was completed. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of neighbouring occupiers, with particular regard to outlook, privacy, light pollution, noise, and disturbance.

Reasons

Character and appearance

4. 34 Moat Green Avenue is a semi-detached, two storey house, located towards the end of a cul-de-sac of residential properties. The street scene is primarily characterised by two-storey semi-detached dwellings of a largely consistent appearance.
5. The development occupies a prominent position on the front elevation. It projects out from the front wall and extends the width of the house. Timber posts, which are of a good quality appearance, support a large, tiled roof canopy, with a substantial raised timber decking area underneath.
6. Many houses within the surrounding area have canopies on their front elevations. These range in size and appearance, but they are largely small structures that sit comfortably on the front elevations of the houses due to their modest and proportionate size.

7. In contrast, the development is a substantial structure that dominates and overwhelms the highly prominent front elevation of the host property, due to its significant mass and bulk. As a result, the development is incongruous within the street scene.
8. Furthermore, the use of good quality facing materials, does not overcome my concerns in respect of the size and prominence of the development within the street scene. Likewise, while a petition in support of the development has been submitted, which is signed by neighbouring occupiers and third parties, this has not eased my concern that the development is unacceptably harmful to the character and appearance of the host property and the area.
9. My attention has been drawn to other examples of development in the area, that range in scale, design, and appearance, including the use of contrasting materials. Inevitably, it is the detail and specific context of any development which determines whether it is acceptable in practice. Having considered the size, location and design of the development, and its effect on the character and appearance of this area, for the reasons given, I consider that there would be unacceptable harm. Given this, these examples do not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on its own merits.
10. For the reasons outlined above, I conclude on this main issue that the development would unacceptably harm the character and appearance of the host property and the area. It would therefore conflict with the aims of Policy ENV3 of the Black Country Core Strategy 2011 (BCCS), Policies D7, D8 and D9 of the Wolverhampton Unitary Development Plan 2006 (UDP) and Supplementary Planning Guidance Note 4 Extensions to Houses. These, together and amongst other things, seek to ensure high quality design and that development relates positively to its surroundings.

Living conditions

11. The location of the development at the front of the property results in it being within close proximity to a number of neighbouring properties.
12. The raised decking is large enough for a number of people to sit and congregate for lengthy periods of time, particularly during the summer months when the weather is warmer, and the days are longer. Additionally, the large canopy also provides shelter from inclement weather and the area is likely to be well used by the occupiers of the host property.
13. The size and open appearance of the development, and its location on the front elevation means that the associated noise from people using the decking would be more noticeable for those occupying neighbouring dwellings. This has the potential to be a source of unacceptable noise and disturbance which would be detrimental to the living conditions of neighbouring residents.
14. The decking is also built up close to the side boundary with the adjoining property, 33 Moat Green Avenue (No 33). The lounge window of No 33, on the front elevation, is located near to the side boundary. There is no fence or wall to prevent overlooking. Therefore, views into the window from the decking are unrestricted, which results in an unacceptable loss of privacy to the occupiers of No 33.

15. Despite its bulk and mass, the development has an open appearance. Therefore, due to the design of the development and its juxtaposition with the lounge window of No 33, I am satisfied that it does not result in an oppressive outlook from the window.
16. While the Council raises concerns about lighting, I have no substantiated evidence before me of the extent of existing lighting or any proposed lighting. Therefore, I am satisfied that the development would not result in unacceptable harm to the living conditions of neighbouring occupiers from light pollution.
17. Consequently, for the reasons outlined above, I conclude on this main issue that no significant harm would be caused to the living conditions of neighbouring occupiers with regard to light pollution, or the outlook to the occupiers of No 33. However, the development would unacceptably harm the living conditions of neighbouring occupiers with regards to noise and disturbance, as well as the occupiers of No 33 with particular regard to privacy. As such, the development fails to accord with Policy ENV3 of the BCCS and Policies D7, D8, D9 and EP5 of the UDP, which together and amongst other things, seek to protect residential amenity through high quality design, height, massing, and appearance.

Other Matters

18. The decking provides a solid, level surface at the front of the property, which the appellant suggests was not safe previously. However, it is not clear why the previous arrangements were not safe or why the level of works and size of decking was necessary. Therefore, I only attach limited weight to this matter.

Conclusion

19. The development would conflict with the development plan when read as a whole and the other considerations before me, do not indicate that I should make a decision other than in accordance with the development plan. As such, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR