



Appeal Decision

Site visit made on 8 April 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/D4635/W/23/3330795

Land at 63 Wergs Road, Wolverhampton WV6 9BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Scilla Hudson against the decision of Wolverhampton City Council.
 - The application Ref is 23/00266/OUT.
 - The development proposed is the erection of 6 detached bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of 6 detached bungalows at Land at 63 Wergs Road, Wolverhampton WV6 9BN in accordance with the terms of the application, Ref 23/00266/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal before me has been made in outline with the matters of access, layout and scale being considered at this stage. All other matters, namely appearance and landscaping, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issues

3. The main issues are: (i) the effect of the proposal on the character and appearance of the surrounding area; and, (ii) whether the proposal would provide a suitable standard of accommodation for future occupiers as well as its effect on neighbouring occupiers.

Reasons

Character and Appearance

4. The appeal site is on Wergs Road, a main thoroughfare primarily serving residential dwellings. The portion of road outside the appeal site is very straight, affording long views down the road which are characterised predominantly by mature trees to either side. When traveling along the road dwellings are glimpsed between trees, down driveways and side roads. The appeal site itself is a long, rectangular plot extending away from the carriageway, it is overgrown and bounded by mature trees. To one side of the site are two expansive care homes whilst to the other, and beginning with No 61 Wergs Road, is a short row of detached dwellings set within spacious plots.

5. The proposal would introduce six detached bungalows set in pairs at the front, middle and rear of the plot. The number of dwellings, their layout and indeed their style as bungalows is not typical of the surrounding area. However, the site sits between two distinct and discrete styles, as noted above. The introduction of bungalows, given their height and set back from the road, would be a fairly retiring feature within the street scene. Moreover, those properties to the middle and rear of the site would not be readily legible from the wider street scene. I note the Council's concerns regarding the building line but consider that the space to the front of the site would be sufficient to suggest a spacious plot and allow for the provision of landscaping in keeping with the avenue of trees that form the prevailing character along this portion of the road. Given this, and the points set out above, I consider the proposal would not unacceptably affect the pattern of development within the area.
6. Given the above, and although introducing a new form, scale and layout of development into the street scene, the proposal would not unacceptably affect the character and appearance of the surrounding area. It would therefore comply with Policies D1, D4, D6, D7, D8, HE1, H1 and H6 of the Wolverhampton Unitary Development Plan (The WUDP) and Policy TNP12 Part A of the Neighbourhood Plan for the Tettenhall Wards (the NP) which collectively, and amongst other matters, require proposals to be of a high standard of design that understands and respects the surrounding area and its distinctiveness. Particular regard is had by these policies to the pattern of development, their massing, appearance, scale and height. It would also comply with the overarching design aims of the Supplementary Planning Guidance Note No 3: Residential Development (the SPG).

Living Conditions

7. The closest care home, identified as Wrottersly Park on the appellant's plan, is a two-storey building with windows on both floors facing the appeal site. The boundary treatment separating the site from the care home is sufficient to screen the ground floor windows. It is not clear, from the details available to me, what rooms the first floor windows serve. However, I note the appellant refers to them serving communal spaces rather than bedrooms. There are a variety of trees along this boundary some of which appear to be evergreens.
8. Given the height of the first floor windows, these would afford views over the boundary fence. Although there are trees which would soften views, they are not sufficient to fully screen views. Moreover, during the winter those trees that lose their leaf would not provide any softening of views. I therefore find that views from the care home into the appeal site would occur.
9. However, these proposed bungalows would be located some distance away from the opposing windows and I consider this distance would be sufficient to prevent intervisibility, overlooking and a loss of privacy within these properties. Moreover, the separation distance from the care home to the shared boundary means that any views of private rear gardens would be at some distance. Given this, the height of the boundary fence and the modest softening provided by the trees, I consider any overlooking from the care home to any of the rear gardens would be modest.
10. Given the appeal site is within a built-up area, some degree of overlooking is to be expected between residential dwellings and I am mindful that the Council does not have a requirement for separation distance. In light of this and the

above, I consider that the modest level of overlooking identified would not be unacceptable. The living conditions of future occupiers would, therefore, be acceptable.

11. Wergs Road is a busy thoroughfare leading to the centre of Wolverhampton. While my site visit can only provide a snapshot in time, traffic along this road during my visit was high. Given the nature of the road it is likely that this level of traffic is not unusual but would likely increase during the rush hour periods. During my site visit the noise generated from the highway was audible across the site, such noise would also be experienced from the adjoining plots given their similar location.
12. The appeal site would be served by a vehicular access which routes along the side of the site closest to the neighbouring plot at No 61 Wergs Road. The part of the access to the front of No 61 would be akin to the driveways serving No 61 and the others in this row. However, I find that where the access continues to the side and rear of No 61, this would be introducing a new feature. Noise generated from here would not be typical for the area.
13. Although vehicular noise generated towards the rear of the site would not be typical, it would only stem from the movements of vehicles serving four properties. Given the short distance of the access and the small number of properties, I find any noise generated would not be significant. Moreover, any noise would be heard against the existing background noise levels generated from the road. In this context, the appeal site would not result in an unacceptable, or intrusive level of noise to the detriment of the living conditions of the neighbouring occupiers when using their home or rear garden.
14. In light of the above, the proposal would provide a suitable standard of accommodation and would not unacceptably affect the living conditions of the neighbouring occupiers. The proposal therefore complies with WUDP Policies D4, D6, D8, H6 and EP5 which require developments to be compatible with adjacent uses, providing a good standard of amenity for future and neighbouring occupiers, with particular regard to noise and privacy. The proposal would also comply with the overarching living condition guidance of the SPG.

Other Matters

15. Landscaping is a matter reserved for later consideration. As such, it would be at the reserved matters stage that details of any planting and retention would be best considered. However, at this stage I am content, from the details before me, that it would be possible to carry out the development in such a way that the trees along the site boundary would be protected and retained.
16. My attention has been drawn to several Council¹ and appeal² decisions relating to proposals for residential development at the appeal site. I have been provided with extensive details for the six cases from which I understand they span the period of time prior to, and during, the construction of Wrottersly Park. These schemes vary from two-storey dwelling houses to three-storey blocks of flats and mixtures between. Given the nature of those proposals and the context of the surrounding area at the time of their determination, these examples are substantially different to the appeal proposal before me. Whilst

¹ Council refs: 06/0319/OP/M, 06/0323/OP/R and 06/0324/OP/R

² Inspectorate refs: APP/D4635/A/08/2071761, APP/D4635/A/08/2071762 and APP/D4635/A/08/2071764

other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Conditions

17. The Council were given the opportunity to provide a list of conditions that they considered necessary in the event that the appeal was allowed. As they did not offer any conditions, I provided conditions to both parties and sought comments on their acceptability. I have had regard to the advice on planning conditions set out by the Framework and the Planning Practice Guidance.
18. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

Conclusion

19. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing number 1180/A/010 except in respect of any details relating to the reserved matters.