



Appeal Decision

Site visit made on 16 July 2024

by T Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/D4635/D/24/3342865

33 Dudley Walk, Wolverhampton, WV4 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by J K Sandhu against the decision of Wolverhampton City Council.
 - The application Ref is 24/00181/PDPA.
 - The development proposed is described as “ground floor rear extension.”
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, (Part 1, Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where any owner or occupier of any adjoining premises objects to the proposed development, Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
4. The Council has not alleged that the proposal fails to comply with any other condition, limitation or restriction potentially applicable to the proposal, and I shall consider the appeal accordingly.

Main Issue

5. The main issue is the impact of the proposed development on the living conditions of the occupiers of No 35 Dudley Walk with regards to outlook and natural light.

Reasons

6. The host property is a semi-detached dwelling. There are no extension to the rear of this property, but a number of nearby properties have been extended to the rear.
7. No 35 Dudley Walk is the adjoining semi-detached dwelling, which benefits from a single storey rear extension located in close proximity to the shared boundary, with patio doors serving a dining room and home office, close to the party boundary. There is a high wall separating the properties.

8. The rear garden to No 35 is south facing, and the outlook from the glazed doors on the rear elevation above the boundary wall is largely open with views of the sky. The proposal would reduce this openness, but on the basis of the evidence before me and given its height and design, it would be unlikely that the extension would reduce light to the dining room / home office to a degree that would make it a less pleasant space to spend time in.
9. However, the proximity of the extension to the party boundary, its height above the boundary wall and its rearward projection would have a significant enclosing effect upon the outlook from the dining room / home office patio doors of No 35.
10. In conclusion, the proposed development would have an unacceptable, harmful effect on the living conditions of the occupiers of No 35 Dudley Walk, with particular regard to outlook. This would therefore fail to comply with Schedule 2, Part 1, Class A of the GPDO. It would also conflict with Policies D7 and D8 of the Wolverhampton Unitary Development Plan (2006) and the guidance in the Extension to Houses Supplementary Planning Guidance, in so far as it relates to living conditions.
11. Whilst there are examples of extension to nearby properties, I do not have full details of these nor the habitable windows of their neighbours. In any event, I have determined the appeal on its own merits.
12. I conclude therefore, that the prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the GPDO for the proposed development should not be granted.

Conclusion

13. For the reasons given above and having had regard to all other matters raised, I find that prior approval should not be granted because of the harm that would be caused to the occupiers of the adjoining property's living conditions. I therefore recommend that the appeal should be dismissed.

T Law

INSPECTOR