



Appeal Decision

Site visit made on 28 January 2025

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/D4635/D/24/3350833

10 Moorland Avenue, Wolverhampton WV10 6JW

- 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 Ravinder Singh against the decision of Wolverhampton City Council.
 - The application Ref is 24/00523/FUL.
 - The development proposed is amendment to two storey side and rear extension along with single storey rear extension and outbuilding granted under Ref 23/01277/FUL.
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Decision

1. The appeal is allowed and planning permission is granted for amendment to two storey side and rear extension along with single storey rear extension and outbuilding granted under Ref 23/01277/FUL at 10 Moorland Avenue, Wolverhampton WV10 6JW in accordance with the terms of the application, Ref 24/00523/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 10_001, 10_006, 10_007, 10_008, 10_010, 10_011.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, replacing and re-enacting that Order with or without modification) no windows or other form of opening above ground floor level shall be introduced into the side elevations, of the extension hereby permitted, facing 9 Moorland Avenue and 11 Moorland Avenue.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers at Nos 9 and 11 Moorland Avenue.

Reasons

3. The appeal site is located within a predominantly residential area characterised by fairly uniform semi-detached dwellings. The land at the appeal site rises up towards the back of the garden with a patio area separating the rear of the property from a small retaining wall and the lawn. No 9 Moorland Avenue is detached from the host dwelling and sits broadly in line with it. During my site visit I

noted a number of clear glazed windows along the ground and first floors of the rear elevation. No 11 Moorland Avenue is the attached neighbour and similarly has a number of clear glazed windows on the rear elevation.

4. I am mindful that a previous permission was granted at the appeal site under reference 23/01277/FUL and that this included a similar two-storey side extension and single-storey rear extension. The proposal before me enlarges the ground floor of the rear extension by infilling a cutout in the previous scheme, and introduces a first-floor rear extension. I am mindful of this previous permission which I understand to still be extant and that the Council's case turns upon the first-floor rear extension.
5. I am content from the submissions before me and my observations on site that the proposed first-floor extension would be sited a sufficient distance away from the neighbouring windows so as to maintain a good standard of outlook from, and light to, them. In particular, I find that these windows would retain a good, open outlook and would not experience any overbearing. I also note the submissions by the appellant demonstrating that the proposal would pass a 45-degree test from the closest windows at Nos 9 and 11. Collectively, I find that the proposal would not adversely affect the living conditions provided by the rooms served by the rear windows of both Nos 9 and 11.
6. I am mindful of the relationship of the host dwelling, its neighbours and the proposed extension, to the sun and its movement through the day. It is likely that the rear first-floor element of the proposed extension would cast a shadow across the gardens of Nos 9 and 11. However, I find that the overshadowing, given the size of the extension, would be modest and, given the movement of the sun, transitory. Any adverse impact in this sense would therefore be limited and temporary. As such the proposal would not result in an unacceptable loss of light to the neighbouring gardens.
7. The gardens serving both neighbours are similarly long and broad and, as with the host dwelling's garden, rise up towards the rear. Given the first-floor rear element would be located fairly centrally on the rear of the host dwelling, it would not sit so close to either side boundary as appear as a looming or overbearing feature to the detriment of the closest areas of garden. Similarly, its positioning would not affect the outlook from these gardens which would remain of a predominantly open and high quality.
8. The proposal would not result in any unacceptably impacts on the living conditions of the neighbouring occupiers at Nos 9 and 11 Moorland Avenue, particularly with regard to their outlook, and access to light. The proposal would, therefore, comply with Policies D4, D7, D8 and H6 of the Unitary Development Plan 2001-2011 (the UDP). These policies, amongst their other elements, seek to prevent development that is obtrusive or overbearing and protect the amenity of neighbours from harm to their outlook, light and privacy. The proposal would also comply with the guidance on Neighbour's Amenity as set out within the Extension to Houses Supplementary Planning Guidance No 4. Although the Council also reference UDP Policies D6 and D9 and Policies CSP4 and ENV3 of the Black Country Core Strategy, I do not find that these are particularly relevant to the matters upon which this appeal turns.

Conditions

9. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
10. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. In the interests of character and appearance I have attached a condition requiring the external materials to match those of the host building. To ensure the privacy of neighbouring occupiers it is necessary to restrict the installation of new windows on the side elevations of the development.

Conclusion

11. 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