



Appeal Decision

Site visit made on 25 February 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th March 2025

Appeal Ref: APP/D4635/W/24/3350716

35 Wimborne Road, Wolverhampton WV10 0NW

- 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 Rakesh Sodhi against the decision of Wolverhampton City Council.
 - The application Ref is 24/00266/FUL.
 - The development proposed is erection of a three-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form describes the proposed development as '*Erection of 4 bedroom dwelling adjacent to 35 Wimborne Road. Wolverhampton. WV10 0NW*'. However, I noted during my analysis of the proposed plans that the development would create a three-bedroom dwelling. Therefore, I have utilised the description of development as found on the decision notice, as this is reflective of the proposed plans.
3. Through the submission of the appeal, the appellant has sought to provide an additional block plan. Specifically, this plan was submitted to address concerns surrounding car parking and highway safety. This is tantamount to the provision of new evidence at the appeal stage. This was not before the Council or any interested party at the application stage. The Planning Inspectorate Appeals' Procedure Guide makes it clear in chapter 16 that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have not therefore considered this new information in this appeal as it would prejudice the Council and any interested parties.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of 35 Wimborne Road, with specific regard to outlook and light; and,
 - the effect of the development on highway safety.

Reasons

Character and appearance

5. The appeal site is located on a corner plot at the junction to Cadman Crescent and forms part of the land associated with 35 Wimborne Road. No. 35 is a two-storey, pebbled dashed, white painted render, semi-detached property with a double bay window to the front elevation. The front elevation also hosts a small gabled feature on an otherwise hipped roof arrangement. A boundary wall of a significant height faces onto Cadman Crescent and therefore reduces the visibility into the garden area of No. 35. However, owing to the absence of visible built structures beyond this boundary treatment, the garden space to No. 35 appears larger than those found in the wider area.
6. Turning to the wider area, there is a strong similarity between No. 35 and the other semi-detached properties in the area. This area of Wimborne Road hosts an almost consistent pattern of semi-detached properties with hipped roofs and gable features to their front. Some examples provide a slight variation due to their part rendered part brick elevations and use of a gabled roof design. Nevertheless, these neighbouring properties are of a similar appearance overall. There is one exception to this immediate overall semi-detached form. No. 37 Wimborne Road is a detached property and is located opposite the appeal site to the junction of Cadman Crescent. Owing to its double bay windows and similar rendered appearance, this property does not immediately appear to be out of character to the local area.
7. The appeal dwelling would create a contrasting roof form which would be emphasised by the detached nature of the building on a corner plot. This would be at odds with the existing buildings which surround the appeal site. In terms of its siting, the development would be closer to the highway than other neighbouring buildings. It would also host a large and elongated rearward projection at a two-storey level. When viewed from Cadman Crescent, this would create a dominant element which would provide very little expression other than a pair of windows. A small lean-to structure would be located adjacent to this projection. However, this would not reduce the dominant nature of the two-storey rearward projection in this highly visible corner location.
8. Properties along both Cadman Crescent and Wimborne Road follow a strong pattern of built form. This has created a consistent building line along each street, which is further reinforced by the similarity in the design of the properties in this location. Sited in this position, the proposed dwelling would significantly project beyond the established building line set by the properties on Cadman Crescent. This would be further exacerbated by its prominent location on a corner plot. As such, this would appear as an incongruous development from the street scene.
9. The appellant suggests that despite this, there is a distance between the rear of the proposed dwelling and the dwellings on Cadman Crescent, the property would be orientated differently and would be located on another street. However, I still find that the proposal would appear incongruous in its siting. Its protrusion beyond the building line of Cadman Crescent is of a significant depth. This would be viewable from numerous vantage points, regardless of the orientation of the development, location on another street and distance to the properties which make up this building line.

10. The appellant has provided several examples of decisions which have been made by the Council. It is their contention that these developments have been permitted to protrude beyond existing building lines. Each planning application must be assessed on its own merits. Nevertheless, I have assessed these examples through the evidence provided and I was able to visit these examples during my site visit.
11. The example given at 225 Penn Road is a significant distance from the appeal site. As such, the character of this locality is greatly different to that of the appeal site and its surroundings, owing to the design of each property and their staggered layout. There is not a consistent building line, unlike the immediate area around the appeal site location. The protrusion in this example does not appear unusual in this context.
12. The case at 45 The Avenue is an application for a two-storey side extension. This is not immediately comparable to the appeal proposal. Whilst this does protrude beyond the building line set by properties on York Road, it would relate to the extension of an existing property. Therefore, this protrusion would be read with No. 45 and not as a new dwelling. 242 Trysull Road is again an example of an extension to a property and not a new dwelling. Nevertheless, in consideration of this example, this two-storey side extension does sit forward of the next property on Trysull Gardens. However, the building line here is staggered, unlike the characteristics of the appeal site. Therefore, its protrusion does not appear out of place in this context.
13. 36 Milford Road and 35 Parker Road are examples of single storey extensions which do protrude beyond the established building lines in which they are found. However, these are single storey extensions and by their nature, are small additions which are attached to their host dwelling. Their harm to the building line is reduced due to their single storey height. These examples therefore are not comparable to the effects of a two-storey dwelling.
14. The appellant has also provided a set of images which display a variation in the design of buildings along Wimborne Road and Cadman Crescent. I was able to visit these examples during my site visit. 39 and 41 Wimborne Road do indeed host a strong gabled roof form in an area of hipped roof buildings. However, this pair of buildings are not immediately noticeable due to their position in a line of other semi-detached buildings. 27 Wimborne Road is a detached property with a catslide roof. This is in contrast to the predominant characteristics of the area. Nevertheless, this building is not immediately visible due to the set back from the highway and position between a line of other buildings. The appellant notes a half hip roof arrangement at 1 Cadman Crescent. But, this half hip roof component is part of a single storey side extension. Therefore, this is not directly comparable to the appeal scheme.
15. The proposed plans indicate that the building would be wholly constructed from facing brick along its elevations. This is also stated within the application form. In the immediate area, the use of white painted render is strong and is used alongside brick to provide additional detailing features. Brick is sometimes used to the side elevations where it is less visible. The use of facing brick across the whole property would be a significant departure from the materials and the way they are displayed on the buildings in the immediate context.

16. The appellant has suggested that a condition could be utilised to secure the final choice of materials. In my consideration of this matter, I find that a suitably worded planning condition could be used to secure these details before the commencement of development above ground level. However, the use of this condition would not overcome the harm I have found to character and appearance from other elements of the proposed dwelling.
17. The Council suggest that the proposed garden area would be much smaller than those in the area and as such, this would cause harm to the character and appearance of the area. The existing garden area which surrounds No. 35 is noticeably larger than the garden spaces found within the immediate area. The appeal site would be subdivided and consequently, the garden space to the host property would be reduced. The garden areas which would be created to both properties would appear as a similar size to those found in the surrounding area. This is due to their width and depth. This reduction in the garden space would therefore not be immediately harmful when viewed from the street scene.
18. To conclude, the proposal would conflict with Policies D4, D7, D8 and D9 of the Wolverhampton Unitary Development Plan 2006 (UDP) and Policies CSP4 and ENV3 of the Black Country Core Strategy 2011 (CS). It would also conflict with the guidance found within the Wolverhampton Council Residential Development Supplementary Planning Guidance No. 3 1996 (SPG). These policies and guidance seek for proposals to respond positively to the pattern of streets, should be of an appropriate scale and form to relate to its context and provide a high-quality design, amongst other things.

Living conditions

19. The appeal proposal would be sited at a close distance from the host property, 35 Wimborne Road, and would project into the rear of the appeal site at a two-storey level beyond the rear elevation of No. 35. The proposed plans show a single storey extension to the rear of No. 35. Yet, during my site visit, it was noted that this extension was not in situ. It is the appellants contention that No. 35 will be extended with this rear extension through the utilisation of permitted development rights. However, no Lawful Development Certificate has been provided. As such, I have given this fallback position very limited weight in my consideration of this main issue.
20. No. 35 contains a number of rear facing windows which include a kitchen and a bedroom. The main patio area which services the garden space of No. 35 is sited immediately behind the property. Collectively, the height, close proximity and the significant projection of the development would create a negative outlook when viewed from the rear habitable windows or the patio space of No. 35. The light into these rear ground floor windows would also be reduced for the same reasons. The provision of a hipped roof design to the rear projection would not overcome this harm as the building would still host a two-storey rear projection close to the boundary of No. 35. The proposal would cause unacceptable harm to the living conditions of the adjacent neighbouring property.
21. To conclude, the proposal would conflict with Policies D4, D7, D8 and of the UDP and Policy ENV3 of the CS. Collectively, these policies seek for proposals to not appear obtrusive to adjoining properties, should not appear as overbearing, should

not adversely affect the amenities of neighbouring properties in respect of outlook and sunlight and promote social benefits.

22. The Council cite Policy D9 of the UDP in their decision on this matter. This policy is concerned with the physical appearance of development proposals. Therefore, this policy is not immediately relevant to the assessment of the proposal upon the living conditions of neighbouring occupiers. Furthermore, the Council suggest that the proposal would work against the guidance found in the Wolverhampton Council Extensions to Houses Supplementary Planning Guidance No. 4 1996 (SPG). The proposal is for a new dwelling and not an extension to a property. Therefore, this guidance is not directly relevant to the provision of one new dwelling.

Highway safety

23. The existing site configuration of 35 Wimborne Road hosts a large driveway to the front of the property. Owing to its position on a corner plot, this is slightly larger than the spaces found at other properties along Wimborne Road. The proposal would result in the subdivision of this parking area. In my assessment of the plans submitted with the application, this would create a parking space for two vehicles at the proposed dwelling.
24. However, this proposal would affect the level of parking at No. 35. Policy AM12 of the UDP requires development proposals to provide the appropriate levels of car parking. This policy is further supported by a set of parking standards. The proposed plans do not account for how the proposal would affect the parking provision at the host property. As such, the application has failed to demonstrate that an appropriate level of parking can be provided for at the existing dwelling in line with Policy AM12 of the UDP.
25. In the absence of an appropriate level of car parking within the site, the occupants of No. 35 would be required to park their vehicles within the highway in inopportune locations close to the dwelling. This would include at the junction with Cadman Crescent or immediately outside the property. This would create access and movement on Wimborne Road increasingly difficult. This would further erode highway safety as it would reduce safe and convenient movement.
26. The appellant has suggested that a planning condition could be imposed which requires that a parking and landscape layout be approved prior to the commencement of development. The evidence before me does not indicate that there would be an adequate space to the front of No. 35. On this basis, I cannot be certain that enough space, or the access to No. 35, would be suitable. I am not sufficiently persuaded that a condition would be appropriate in this instance.
27. To conclude, the proposed development would have a detrimental effect on highway safety and therefore, it would conflict with Policies AM12 and AM15 of the UDP and Policy ENV3 of the CS. These policies require development to provide adequate parking arrangements, contribute to improving road safety and ensure that streets and spaces are designed to provide a safe and permeable movement network.

Planning balance and conclusion

28. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework indicates that a decision should be taken in accordance with the development plan.
29. The proposal would provide an additional dwelling to the supply of housing which would be constructed within a built-up area. Economic benefits would also be realised during the construction period, and the future occupiers would provide economic benefits to the area once the development is complete through their use of local shops and services.
30. However, these benefits are modest, and they do not outweigh the potential harm in respect of its effect on character and appearance, the harm to living conditions which would be experienced by the occupants of the neighbouring property and the implications it would have to highway safety. The scheme would conflict with the Development Plan when taken as a whole. There are no material considerations that indicate that decision should be made other than in accordance with the Development Plan. Therefore, for the reasons given above the appeal should be dismissed

J Smith

INSPECTOR