



Appeal Decision

Site visit made on 17 June 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/D4635/D/25/3365635

24 Vicarage Road, Penn, Wolverhampton WV4 5HY

- 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 Ranvir Bisla against the decision of Wolverhampton City Council.
 - The application Ref is 24/01329/FUL.
 - The development proposed is replacement garage, new retaining wall, front boundary wall alterations, hardstanding and landscaping garden wall alterations and materials.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit some works towards the development described above, primarily site clearance, had already commenced. The appeal therefore seeks retrospective permission for the development, and I have determined it accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Vicarage Road (Penn) Conservation Area (the VCA)

Reasons

4. The appeal site is located within the VCA which is a small conservation area primarily focused on Vicarage Road and Pennwood Lane. The area covers the formerly rural settlement of Upper Penn and retains a number of former agricultural and more rural buildings. Although development has spread around the VCA, its rural character is still legible. Development within the area is now primarily residential and covers a broad time period resulting in a varied appearance. The street scene, particularly around the appeal site, is characterised by greenery from front gardens and mature trees. The significance of the conservation area stems, in part, from the extent to which the historic buildings are still legible, the presence of greenery within the area and, the retained rural character of the area.
5. The dwellings on the appeal site side of Vicarage Road are typically set back by a garden with the host dwelling and its attached neighbour being set back a significant distance. Given the change in land levels some of these properties, including the host dwelling, are also raised above the road level. At the time of my

site visit the front boundary wall had largely been removed and the front garden area had been largely cleared.

6. During my observations on site, I noted a number of garages on the appeal site side of Vicarage Road, these were predominantly attached to their respective dwellings. Although the detached garages were set forward of their associated dwellings, they were nevertheless still set back from the road so as to follow the building line created by the forwardmost properties. The proposed garage would not reflect this pattern and would instead introduce a large feature considerably closer to the highway. Given its position and scale the proposal would be an incongruous and prominent feature to the detriment of the green and spacious street scene on this side of Vicarage Road. Although some planting is proposed it would likely take some significant time to sufficiently mature to provide any screening. I also cannot be certain that this screening would do anything more than soften the proposed garage. This is especially so given that views would be possible along the widened drive.
7. Although a substantial area of hardstanding would also be provided, these are not uncommon within the street scene with examples present on both sides. Moreover, the hardstanding would not result in the complete loss of soft landscaping with areas to the side and rear of the hardstanding being retained. It would therefore maintain the sense of greenery and spaciousness important within this area.
8. The front boundary wall would be reinstated and, as noted above, there would be a slight widening of the driveway access. It is not clear whether this wall, and the previous opening are original but, during my site visit it was clear that openings within boundary walls were not regular in position or width. The proposal would, therefore continue to contribute towards this varied appearance and would not, in this way, harm the VCA.
9. In light of the above, and given the scale of the development, I find that less than substantial harm to the significance of the designated heritage asset would occur. Although less than substantial, the Framework is clear that great weight should be given to any asset's conservation. Paragraph 215 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against public benefits of the scheme.
10. The development would help secure the host building and its contribution to the VCA, this would provide a public benefit. However, it has not been demonstrated that the scheme before me is necessary to achieve this benefit and, as such it forms only a modest public benefit. Therefore, in the circumstances of this case, it does not outweigh the harm to the designated heritage asset identified above. The development therefore fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The proposal would unacceptably affect the character, appearance and significance of the VCA and no public benefits have been identified that outweigh this harm. The proposal therefore conflicts with Policies ENV2 and ENV3 of the Black Country Core Strategy and Policies HE5, D6 and D9 of the Wolverhampton Unitary Development Plan. Collectively, and amongst other matters, these policies seek to protect and promote local distinctiveness and the special historic character of areas through high quality designs that are in scale and harmony with their

surroundings. The proposal also conflicts with Section 16 of the Framework, include Paragraph 215 as set out above. I have also been mindful of the information set out within the Vicarage Road (Penn) Conservation Area Character Appraisal and Management Plan

Conclusion

12. The proposal would harm the character, appearance and significance of the VCA and therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed.

Samuel Watson

INSPECTOR