

Wolverhampton City Council

OPEN INFORMATION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date 6 th November 2012
Originating Service Group(s)	EDUCATION AND ENTERPRISE	
Contact Officer(s)/	STEPHEN ALEXANDER (Head of Planning)	
Telephone Number(s)	(01902) 555610	
Title/Subject Matter	PLANNING APPEALS	

1.0 Purpose of Report

- 1.1 To provide the Committee with an analysis of planning appeals in respect of decisions of the Council to either refuse planning or advertisement consent or commence enforcement proceedings.

2.0 Planning Appeals Analysis

- 2.1 The Appendix to this report sets out the details of new planning appeals, ongoing appeals and those which have been determined by the Planning Inspectorate in respect of the decisions of the Council to either refuse planning or advertisement consent or commence enforcement proceedings.
- 2.2 In relation to the most recent appeal decisions of the Planning Inspectorate i.e. those received since last meeting of the Committee, a copy of the Planning Inspector's decision letter, which fully explains the reasoning behind the decision, is attached to this report. If necessary, Officers will comment further on particular appeals and appeal decisions at the meeting of the Committee.

3.0 Financial Implications

- 3.1 Generally, in respect of planning appeals, this report has no specific financial implications for the Council. However, in certain instances, some appeals may involve the Council in special expenditure; this could relate to expenditure involving the appointment of consultants or Counsel to represent or appear on behalf of the Council at Public Inquiries or, exceptionally, if costs are awarded against the Council arising from an allowed planning/enforcement appeal. Such costs will be drawn to the attention of the Committee at the appropriate time.

**4.0 Equal Opportunities/
Environmental Implications**

- 4.1 None.

NEW APPEALS

Appeal Site / Ward / Appellant	Application No / Proposal	Type of Appeal / Date Submitted	Summary of Reasons for Refusal / Requirements of Enforcement Notice
<p>Land At Wergs Garage, 81 Wergs Road, Wolverhampton</p> <p>Tettenhall Regis</p> <p>Telefonica UK Ltd</p>	<p>12/00721/TEL</p> <p>Telecommunications base station comprising 15m high streetworks column, 2 no 300mm diameter dishes, 2 no radio cabinets and ancillary development.</p>	<p>Planning</p> <p>Written representation</p> <p>26.09.2012</p>	<p>The development comprising the installation of a 15 metre high shared slimline streetworks column, associated antennas, 2 no. 300mm diameter dish antennas, 2 no. equipment cabinets and ancillary development at this sensitive location would result in unnecessary visual clutter introducing an obtrusive, prominent and incongruous feature into the streetscene. The proposed streetworks column would dominate the sky line appearing unduly overbearing, adversely affecting the character of the locality. The proposal is therefore contrary to Black Country Core strategy Policies ENV3, CSP4 and Unitary Development Policies, D6, D7, D9, EP20 and the Councils Interim Telecommunications Policy.</p>
<p>84 Woodthorne Road South, Wolverhampton</p> <p>Tettenhall Regis</p> <p>Mr B Singh</p>	<p>12/00548/FUL</p> <p>Erection of a detached house</p>	<p>Planning</p> <p>Written representation</p> <p>02.10.2012</p>	<p>Proposed development by reason of its corner location, scale, bulk and height would appear over dominate and out of scale and out of character. Therefore unacceptably detracting from the spaciousness and visual appearance of the street scene. Contrary to UDP Policies D4, D6, D7, D8, D9 and BCCS Policy ENV3.</p>

ONGOING APPEALS

	<u>Appeal Site / Ward</u>	<u>Appellant</u>
1.	53 Mount Road Tettenhall Wood Wolverhampton Tettenhall Wightwick	Mr P Stafford
2.	Lidl Food Store 27 Blackhalve Lane Wolverhampton Fallings Park	Donna Commock
3.	Land At New Street Portobello Wolverhampton East Park	Vodafone/O2
4.	28 & 29 Stubbs Road Wolverhampton Graiseley	Mr & Mrs DJ & M Bradley
5.	Lidl Finchfield Hill Wolverhampton Tettenhall Wightwick	Miss Donna Commock

APPEALS DETERMINED SINCE LAST MEETING

Appeal Site / Ward / Appellant	Application No / Proposal	Type of Appeal / Date Submitted	Reasons for Refusal / Requirements of Enforcement Notice	Decision and Date of Decision
<p>25 Benson Avenue, Wolverhampton, West Midlands</p> <p>Blakenhall</p> <p>Mr Chris Clacken</p>	<p>11/01082/FUL</p> <p>Two storey side and single storey rear extension and erection of outbuilding</p>	<p>Planning</p> <p>Written representation</p> <p>17.07.2012</p>	<p>The proposed two storey side extension would, by reason of its height, bulk and position relative to the house on the adjoining property at 27 Benson Avenue have an unacceptable overbearing impact and reduce the amount of light/sunlight, on the outlook presently enjoyed by that house.</p> <p>Relevant UDP Policies D6, D7, D8, D9 and BCCS Policies CSP4 and ENV3.</p>	<p>Appeal Allowed</p> <p>20.09.2012</p>



Appeal Decision

Site visit made on 14 September 2012

by Gary Deane BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2012

Appeal Ref: APP/D4635/D/12/2179836

25 Benson Avenue, Wolverhampton WV4 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Clacken against the decision of Wolverhampton City Council.
 - The application Ref 11/01082/FUL, dated 27 October 2011, was refused by notice dated 20 June 2012.
 - The development proposed is described on the application form as the erection of a 'double side extension with detached outbuilding to rear (office and playroom)'.
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Procedural matter

1. The appellant has referred to the proposal as in the header above whereas the Council has described it as a 2-storey side and a single storey rear extension and the erection of an outbuilding. From my inspection of the plans, a 2-storey side and rear extension, a single storey rear extension, and a detached outbuilding, is sought. I have assessed the proposal on that basis.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a 2-storey side and rear extension, a single storey rear extension, and a detached outbuilding at 25 Benson Avenue, Wolverhampton WV4 5HA in accordance with the terms of the application, Ref 11/01082/FUL, dated 27 October 2011, subject to the conditions set out in the schedule to this decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 27 Benson Avenue with particular regard to outlook, visual impact and light.

Reasons

4. The appeal property is a 2-storey semi-detached house that is located within a residential cul-de-sac. The proposal is to demolish and remove the existing garage and single storey rear projection and introduce a 2-storey side and rear extension together with a single storey rear extension. The new outbuilding would be single storey and located at the rear of No 25 for use as a playroom
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and office. The attached house, 23 Benson Avenue, has been externally altered and extended in a manner similar to the proposal before me.

5. The new rear building line of the proposed extended dwelling would broadly reflect that of the single storey projection at the back of the adjacent property, 27 Benson Avenue. As a result, views of the appeal scheme from the rear of No 27 would be mainly limited to its 1st floor windows, from which views would be largely restricted to the sidewall and roof of the new single storey element, and this would be seen at an oblique angle and from some distance. No 27 has windows in the side elevation facing the site and the proposal would bring the side elevation of the appeal property closer to them. From what I saw, these windows are likely to serve a stairway and bathroom at 1st floor and a kitchen at ground floor. Even if these windows serve habitable rooms, they already face the side elevation of No 25, albeit at a greater distance. To my mind, there would be no significant difference in views from these windows as a result of the proposal than at present. Because the proposal would not extend beyond the rear building line of No 27, and given the position of the west-facing windows of this adjacent house in relation to the built form of No 25, there would be no noticeable reduction in light reaching the windows and rear garden of this neighbouring property.
6. Overall, I conclude that as the main direction of outlook and source of light for No 27 would be largely unaffected by the appeal scheme, neither its height, bulk nor position would cause the proposal to be overbearing, overly dominate outlook nor result in a significant loss of light. Therefore, the proposed development would not materially harm the living conditions of the occupiers of No 27. It would not conflict with Policies CSP4 and ENV3 of the Black Country Core Strategy and Policies D6-9 (inclusive) of the Wolverhampton Unitary Development Plan 2001 - 2011. Underlying aims of these policies are to safeguard residential amenity and to ensure that development positively contributes towards successful place making.
7. With regards to conditions, a requirement that the development be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. I have also imposed a condition requiring that the external materials match the existing building to ensure the satisfactory appearance of the development. National guidance indicates that conditions to restrict further development that would normally be regarded as permitted development should be imposed only exceptionally. Such circumstances apply in this case given the relationship between Nos 25 and 27. To safeguard the living conditions of the occupiers of No 27, a condition is imposed requiring that no window or other opening be constructed on the side of the building. For the same reason, and to protect the privacy of the occupiers of No 25, it is also necessary to require that the new 1st floor bathroom windows are fitted with obscured glass and partly fixed shut.
8. For the reasons set out above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs CL/PL/001, CL/PL/002 and the Ordnance Survey Plan which shows the site edged red.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening other than those expressly authorised by this permission shall be constructed on the west elevation of the building.
- 5) Before the occupation of the development hereby permitted the windows serving the 1st floor bathrooms in the south elevation shall be fitted with obscured glass and with the exception of a top hung fanlight(s) shall have fixed frames to a height of at least 1.7 metres above the floor of the room served by the windows and shall be permanently retained in that condition.