

Wolverhampton City Council

OPEN INFORMATION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date 5 th February 2013
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
41A Wellington Road, Wolverhampton Bilston North Mr Ranbir Mehta	12/00774/FUL First floor side extension and conservatory
Lidl, Finchfield Hill, Wolverhampton Tettenhall Wightwick Miss Donna Commock	12/00959/FUL Demolition of dwelling number 42 Finchfield Hill to facilitate the construction of a single storey extension to the existing Lidl foodstore.
1 Market Street, Wolverhampton St Peters Mr Joseph Yusef	12/00820/FUL Retention of Roller Shutter

ONGOING APPEALS

	<u>Appeal Site / Ward</u>	<u>Appellant</u>
1.	53 Mount Road Tettenhall Wood Wolverhampton Tettenhall Wightwick	Mr P Stafford
2.	28 & 29 Stubbs Road Wolverhampton Graiseley	Mr & Mrs DJ & M Bradley
3.	Lidl Finchfield Hill Wolverhampton Tettenhall Wightwick	Miss Donna Commock
4.	Land At Wergs Garage 81 Wergs Road Wolverhampton Tettenhall Regis	Telefonica UK Ltd
5.	Grass Verge Corner Of Wergs Road And Wrottesley Road Wolverhampton Tettenhall Regis	Telefonica UK Ltd
6.	7 Uplands Avenue Merry Hill Wolverhampton Merry Hill	Mrs L Bower
7.	52 Woodthorne Road Wolverhampton Tettenhall Regis	Jabber Mir
8.	Lidl Finchfield Hill Wolverhampton Tettenhall Wightwick	Miss Donna Commock

9. Autumn View
Grove Lane
Wolverhampton

Mr A Sharma

Tettenhall Wightwick

APPEALS DETERMINED SINCE LAST MEETING

Appeal Site / Ward / Appellant	Application No / Proposal	Decision and Date of Decision
84 Woodthorne Road South, Wolverhampton Tettenhall Regis Mr B Singh	12/00548/FUL Erection of a detached house	Appeal Dismissed 19.12.2012
18B Milcote Drive, Wolverhampton Bilston North Mr And Mrs Washbrook	12/00916/FUL Two storey rear extension	Appeal Allowed 11.01.2013



Appeal Decision

Site visit made on 4 December 2012

by A R Hammond MA MSc CEng MIET MRTPI

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

Decision date: 19 December 2012

Appeal Ref: APP/D4635/A/12/2183058

84 Woodthorne Road South, Wolverhampton WV6 8SL

- 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 B Singh against the decision of Wolverhampton City Council.
 - The application Ref 12/00548/FUL, dated 9 May 2012, was refused by notice dated 21 June 2012.
 - The development proposed is the erection of a detached house.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application described the proposed development as "1 No. proposed detached 5 bed replacement dwelling". I have adopted the description above, as used on the decision and the appeal form.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of Woodthorne Road South and Wrekin Lane.

Reasons

4. 84 Woodthorne Road South is a detached bungalow on the corner of Woodthorne Road South and Wrekin Lane. Whilst the three two-storey houses at Nos. 78-82 are of similar design to one another, the majority of the houses in the surrounding area are individually designed substantial detached houses and bungalows, many of which are built close together.
5. The proposal is to demolish the existing bungalow and replace it with a 5 bedroom two-storey house with additional accommodation in a hipped roof. Although of similar overall width to the bungalow the proposed dwelling would have a larger footprint and, being two-storeys high, a considerably greater bulk.
6. The Government published, on 27 March 2012, the National Planning Policy Framework (the Framework) which constitutes guidance for local planning authorities and decision takers as a material consideration in determining applications.

7. At the heart of the Framework is a presumption in favour of sustainable development such that development proposals that accord with the development plan should be approved without delay.
8. The Framework sets out a number of core planning principles, including that planning should always seek a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
9. At paragraph 196, the Framework states "The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations dictate otherwise. This Framework is a material consideration in planning decisions."
10. Black Country Core Strategy Policy ENV3 and Wolverhampton Unitary Development Plan Policies D4, D6, D7, D8 and D9 require development to respect and reinforce the local context, specifically in terms of urban grain, townscape, scale & height, scale & massing and appearance.
11. Although the area is characterised by substantial dwellings the proposed house would be of considerably greater bulk, particularly with respect to the elevation facing Wrekin Lane.
12. Despite the characteristic large houses the area retains an attractive sense of openness, the openness of the corner plot currently making a valuable contribution to the character and appearance of the area. The considerably larger footprint and the extensive side elevation facing Wrekin Lane would seriously erode the openness of the prominent corner plot, to the significant detriment of the character and appearance of the area.
13. The proposed development would, therefore, be contrary to development plan policies aimed at ensuring that development respects and reinforces local context.
14. It is noted that planning permission has been granted for a 5 bedroom house on the appeal site. However no details of that approved scheme have been provided and this appeal has been determined on the merits of the specific scheme proposed.
15. For the reasons given above, and taking account of all material planning issues raised, the appeal is dismissed.

Andrew Hammond

INSPECTOR



Appeal Decision

Site visit made on 11 December 2012

by A D Robinson BA(Hons) DipTP MRTPI

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

Decision date: 11 January 2013

Appeal Ref: APP/D4635/D/12/2185357

18b Milcote Drive, Willenhall, Wolverhampton WV13 3QN

- 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 V Washbrook against the decision of Wolverhampton City Council.
 - The application Ref 12/00916/FUL, dated 30 July 2012, was refused by notice dated 24 September 2012.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 18b Milcote Drive, Willenhall, Wolverhampton in accordance with the terms of the application, Ref 12/00916/FUL, dated 30 July 2012, subject to the following 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:
 - (i) 1:1250 location plan;
 - (ii) 1:500 site plan;
 - (iii) 1:100 existing floor plans and elevations;
 - (iv) 1:50 proposed first floor layout;
 - (v) 1:50 proposed ground floor layout: and
 - (vi) 1:100 proposed elevations.
 - 3) The materials to be used in the construction of the external surfaces of the extension 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 windows or other openings above ground floor level shall be inserted into the side elevations of the extension hereby permitted.

Main Issue

2. The effect of the proposed extension on the amenity of neighbours by reason of loss or reduction of outlook.

Reasons

3. The appeal property is one of four modestly sized, modern detached houses served by a driveway leading off the end of Milcote Drive, a cul-de-sac which in turn serves a small estate of mainly semi-detached houses. The four houses are not formally grouped around the driveway. There is no set building line; rather the houses are grouped in a somewhat ad hoc arrangement. The appeal property is set well back behind No 18a. A garage belonging to the adjoining property separates the two houses. On the other side, No 18c is set behind and at a sharp angle to the appeal property. Between the rear gardens of No 18c and the appeal property are a pair of garages.
4. Given that No 18c lies well to the rear and at an angle to the appeal property, the proposed extension would not impinge upon the outlook from the rear of the adjoining property or have an impact upon the enjoyment of the rear garden of No 18c in terms of being visually intrusive. From the windows at the front of the adjoining property the extension would be seen at an angle and to the side of any views from these windows.
5. Insofar as the impact of the extension on No 18a is concerned, I note that a conservatory has been erected at the rear of the neighbouring property. I am not convinced that the outlook from either the conservatory or the windows at the rear of No 18b would be significantly affected by the proposed extension. When viewed from these windows or the conservatory, the extension would be seen at an angle and would not occupy a central position within the field of vision. In addition, the garage belonging to No 18a would mask part of the extension when seen from the neighbouring conservatory.
6. The design of the proposed extension would also assist in reducing the visual impact on the adjoining property. The ridge of the extension would be at a right angle to the ridgeline of the existing house. It would also be at a slightly lower height. The change in orientation of the ridgeline means that the extension would present a much lower side elevation to the adjoining property than if it had replicated the ridgeline of the existing house which would have meant that a high blank gable wall would have been seen from No 18a.
7. The Council has referred in its reason for refusal to the impact of the extension on the enjoyment by neighbours of their garden. Nothing to explain what the Council means by the impact on the garden has been provided in the written representations. Given the design of the extension and its position to one side of the garden, I do not consider that the extension would have a significant visual impact upon the enjoyment of the neighbouring rear garden. Also given the design of the extension, I am not convinced that it would have an unacceptable impact upon the amount of sun reaching the neighbouring rear garden.
8. I conclude that the proposed extension would not adversely affect to a significant or serious extent the amenity of neighbours by reason of loss or reduction of outlook. As such, the proposal does not conflict with those policies in the Council's adopted Unitary Development Plan or the adopted Black Country Core Strategy which seek to safeguard the amenity of neighbours. Nor does it conflict with the Council's approved Supplementary Planning Guidance which is concerned with house extensions insofar as this seeks to protect residential amenity.

Conditions

9. In the appeal questionnaire, the Council suggests a number of conditions in the event that the appeal is allowed. I consider the suggested conditions to be necessary and that they meet the other tests of the acceptability of conditions which are set out in Circular 11/95 "*The Use of Conditions in Planning Permissions*". Accordingly, I intend to impose them. In addition to the standard condition requiring development to begin within three years of this decision, another condition requires that the external materials used in the extension shall match those used in the existing house. This is to ensure that the extension blends in appearance with the existing property. A further condition takes away permitted development rights for first floor windows in the side elevations of the extension. This is to avoid overlooking of neighbouring properties.
10. Another condition is required. This identifies the plans that have been submitted as part of the planning application. This is necessary as it is these plans that define the extent and nature of the development being permitted.

Conclusions

11. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Alan D Robinson

Inspector