

Wolverhampton City Council

OPEN INFORMATION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date 3 September 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.

ONGOING APPEALS

	<u>Appeal Site / Ward</u>	<u>Appellant</u>
1.	1 Market Street Wolverhampton	Mr Joseph Yusef
	St Peters	
2.	Land At 200 And Rear Of 192 To 198 Coleman Street Wolverhampton	Gray Ventures Ltd
	Park	
3.	1 Davenport Road Tettenhall Wolverhampton	Mr And Mrs Raju
	Tettenhall Regis	

APPEALS DETERMINED SINCE LAST MEETING

Appeal Site / Ward / Appellant	Application No / Proposal	Decision and Date of Decision
2 Canterbury Road, Wolverhampton Penn Mr C Punter	12/01282/FUL Erection of a detached bungalow	Appeal Dismissed 01.08.2013



Appeal Decision

Site visit made on 28 May 2013

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 1 August 2013

Appeal Ref: APP/D4635/A/13/2194259

2 Canterbury Road, Wolverhampton WV4 4EQ

- 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 C Punter against the decision of Wolverhampton City Council.
 - The application Ref 12/01282/FUL, dated 24 October 2012, was refused by notice dated 29 January 2013.
 - The development proposed is the erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the proposal is described in the application forms as 'the erection of a dormer bungalow with access off Canterbury Road', the proposal was amended in accordance with drawing reference 824/A/100 Rev A and the description of the development was amended in the appeal forms to 'erection of a detached bungalow'. The Council's decision was based on the amended plans which included the re-siting of the bungalow and the deletion of the dormer windows. I have therefore considered this appeal against the amended plans and description.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The surrounding area is characterised by detached and semi-detached properties constructed with a mix of facing materials including render, brickwork and vertically hung tiles. Whilst predominantly two storeys, I noted an exception at 35a Pinfold Lane where a dormer bungalow has been erected in what I understand was formerly part of the rear garden area of 37 Pinfold Lane. Rear gardens in the area are also generally of significant length, although this is not always evident from the street. I also noted that 35a and 37 Pinfold Lane have much smaller rear garden areas.
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5. The principal elevations of properties are generally set back a considerable distance from the highway, with the area to the front of the dwellings providing a mix of hard-surfaced parking areas and garden space. This locally distinctive characteristic, together with the presence of highway verges and trees, gives the area a generally spacious feel.
6. In contrast to this prevailing characteristic, the principal elevation of the proposed bungalow would be located significantly closer to the highway than other properties in the vicinity, with only a narrow strip of garden separating it from the pavement. Whilst single storey, it would be prominent in the streetscene, where it would appear cramped on its plot. As a consequence, in my view, it would not respect the context and locally distinctive pattern of development.
7. I observed on my site visit that 2 Regent Road has a two storey extension that, at its closest point, is a similar distance from the highway as the proposed bungalow. However, the extension is angled away from the road, it does not form the principal elevation and it is screened by existing trees. As a result, I do not consider that it appears contrary to the spacious characteristics that I have identified or that it establishes a 'building line' for the appeal proposals.
8. Whilst 2 Canterbury Road would have a smaller rear garden as a result of the proposal, I do not consider that this would cause significant harm to the setting of that property or to the wider character of the area. I have also noted that the proposed bungalow would be constructed with plain clay roof tiles, with render to the elevations to reflect the palette of building materials in the area. However, these attributes do not overcome the harm that I have identified.
9. For the above reasons, the appeal proposal is detrimental to the character and appearance of the area, contrary to policies D4, D6, and H6 of the Wolverhampton Unitary Development Plan 2006 ('the UDP) and policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy 2011. Those policies, together with Wolverhampton City Council's Residential Development Supplementary Planning Guidance No. 3, seek to ensure, amongst other things, that development proposals protect and promote local distinctiveness and respect the pattern of development in the area. I have also considered the proposals against policies D8 and D9 of the UDP. However, as those policies relate principally to the detailed appearance, scale and massing of proposals, together with the impact on living conditions, and I have not found harm in relation to those matters, I consider that the proposal does not conflict with those policies.
10. I have taken into account the concerns raised locally about issues including highway safety, devaluation of properties and the impact on the living conditions of nearby residents. However, they have not led me to any different overall conclusion.
11. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Chris Couper

INSPECTOR