

**Time** 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory  
**Venue** Committee Room 3 - 3rd Floor - Civic Centre

## Membership

**Chair** Cllr Paul Sweet (Lab)  
**Vice-chair** Cllr Gillian Wildman (Lab)

### Labour

Cllr Alan Butt  
Cllr Rita Potter  
Cllr Paul Brookfield  
Cllr Jacqueline Sweetman  
Cllr Tersaim Singh  
Cllr Harbinder Singh  
Cllr Jasbinder Dehar

### Conservative

Cllr Wendy Thompson  
Cllr Bob Maddox  
Cllr Simon Bennett

Quorum for this meeting is four Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Donna Cope  
**Tel/Email** Tel 01902 554452 or email [donna.cope@wolverhampton.gov.uk](mailto:donna.cope@wolverhampton.gov.uk)  
**Address** Democratic Services Civic Centre, 1<sup>st</sup> floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i>  |
|-----------------|---|
| 1               | <b>Apologies for absence</b>  |
| 2               | <b>Declarations of interest</b>   |
| 3               | <b>Minutes of the previous meeting</b> (Pages 3 - 8)<br>[To approve the minutes of the previous meeting as a correct record]                  |
| 4               | <b>Matters Arising</b><br>[To consider any matters arising]   |
| 5               | <b>24/00080/FUL - 3 Greenacres, Wolverhampton, WV6 8SR</b> (Pages 9 - 14)<br>[To consider the planning application].                          |
| 6               | <b>23/01362/FUL - 15 Firsway, Wolverhampton, WV6 8BJ</b> (Pages 15 - 18)<br>[To consider the planning application].                           |
| 7               | <b>23/01366/FUL - Land Adjacent to 182 Pinfold Lane, Wolverhampton, WV4 4HB</b><br>(Pages 19 - 24)<br>[To consider the planning application]. |
| 8               | <b>23/00001/TPO - 141 Castlecroft Road, Wolverhampton, WV3 8BY</b> (Pages 25 - 30)<br>[To consider the Tree Preservation Order].              |

## Attendance

### Councillors

Cllr Paul Sweet (Chair)  
Cllr Gillian Wildman (Vice-Chair)  
Cllr Alan Butt  
Cllr Celia Hibbert  
Cllr Paul Brookfield  
Cllr Jacqueline Sweetman  
Cllr Tersaim Singh  
Cllr Wendy Thompson  
Cllr Bob Maddox  
Cllr Simon Bennett

### Employees

Donna Cope	Democratic Services Officer
Stephen Alexander	Head of City Planning
Chris Simmons	Solicitor
Stuart Evans	Solicitor
Gerwyn Owen	Professional Lead - Transport Strategy
Vijay Kaul	Section Leader
Kirsty Hodson	Planning Officer
Phillip Walker	Senior Planning Officer

## Part 1 – items open to the press and public

*Item No.*    *Title*

**1        Apologies for absence**

Apologies for absence were received from Councillor Rita Potter and Councillor Jasbinder Dehar

**2        Declarations of interest**

There were no declarations of interest made.

3 **Minutes of the previous meeting**

Resolved:

That the minutes of the previous meeting held on 14 November 2023 be confirmed as a correct record and signed by the Chair.

4 **Matters Arising**

There were no matters arising.

5 **23/00755/FUL - 20 Church Hill Road, Wolverhampton, WV6 9AT**

The Committee considered a report regarding 23/00755/FUL - Rear single storey extension. Side single storey garage extension and loft conversion including rear dormers.

Kirsty Hodson, Planning Officer, outlined the report.

David Simpson addressed the Committee and spoke in opposition to the application.

Emma Cochrane addressed the Committee and spoke in support of the application.

The Planning Officer responded to comments made and noted that The Party Wall Act was a civil matter and therefore not a consideration for the Planning Committee.

The report was debated by Committee, and the Planning Officer responded to questions asked.

Councillor Alan Butt moved the recommendations within the report. Councillor Gillian Wildman seconded the recommendations.

Resolved:

That planning application 23/00755/FUL be granted subject to the following conditions:

- Development in accordance with the approved plans
- Details of materials
- Window details
- Restrict first floor side window.

6 **23/01228/FUL - Task Consumer Products Ltd including the former Fablink site and land at rear, Citygate Park, Stafford Road, Wolverhampton, WV10 7FG**

The Committee considered a report regarding 23/01228/FUL – Extension to existing production/warehouse facility and erection of new warehouse facility (Use Class B2General Industrial / B8 Storage or Distribution) with ancillary offices (Class E (g)(i)); formation of new access, car parking, landscaping and all ancillary works.

Phillip Walker, Senior Planning Officer, outlined the report and noted that since the report had been published, the recommendation at Paragraph 11.1(i) had been

amended to allow for a part of the s106 contribution to be spent at Northcote Farm and Country Park.

Jo Russell addressed the Committee and spoke in support of the application.

The report was debated by Committee, and members welcomed the proposed development.

The Senior Planning Officer responded to questions asked and confirmed that the Canal and River Trusts were now happy with the proposals as their concerns had been addressed.

Councillor Paul Sweet moved the recommendations as per the amendment to Paragraph 11.1(i). Councillor Simon Bennett seconded the recommendations.

Resolved:

That delegated authority be granted for application 23/01228/FUL subject to:

- i. A Planning obligation to secure:  
Compensatory payment of £200,000 for the loss of part of the SLINC, to be spent on improvements to Pendeford Mill Nature Reserve and Northcote Farm and Country Park.
- ii. Amended details to resolve the drainage objection;
- iii. Any necessary conditions to include:
  - Phasing
  - Demolition and Construction
  - External lighting specification
  - Landscaping and tree protection measures
  - Boundary treatments
  - External storage
  - External materials
  - Targeted recruitment and training
  - Levels
  - Drainage
  - Piling
  - Parking to be provided and retained as shown
  - Electric vehicle charging points
  - Gatehouse proposals to be implemented as shown on submitted details
  - Cycle and motorcycle parking to be implemented as shown on submitted details
  - Bin stores to be implemented as shown on submitted details
  - Car parking management plan to be submitted and approved
  - 10% renewable energy – provision in accordance with submitted energy report
  - Ecology mitigation as detailed in submitted ecology appraisal
  - Full details of (including noise emissions and external appearance) of any external plant and equipment or plant openings within the new buildings be

designed and installed to achieve the noise limit criteria as required by the submitted noise report

- Site investigation and implementation of any necessary remediation works and submission of validation reports
- Implementation of Travel Plan

7 **23/01137/FUL - Moseley Park School, Holland Road, Wolverhampton, WV14 6LU**

The Committee considered a report regarding 23/01137/FUL – Proposed demolition of existing sports hall building and erection of new sports centre, hard surfaced sports courts and car park extension.

Phillip Walker, Senior Planning Officer, outlined the report and noted that since the report had been published, a further comment had been received from a neighbouring property regarding security.

The report was debated by Committee, and members welcomed the proposals.

In response to questions asked, the Senior Planning Officer confirmed the following:

- Community use of the facilities would be managed by planning conditions.
- The school had confirmed that they would contact neighbours who had concerns regarding invasive plants to discuss possible further remedial works.

Councillor Alan Butt moved the recommendations within the report. Councillor Celia Hibbert seconded the recommendations.

Resolved:

That delegated authority be granted for application 23/01137/FUL subject to:

- Demolition and construction plan
- Coal Mining and Contamination mitigation and remediation (including gas protection)
- Drainage
- Detailed specification for ball courts including perimeter fencing
- The proposed replacement sports courts to be provided and available for use prior to the first use or occupation of the sports centre
- Community use agreement to include hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review
- Tree protection measures
- Existing and proposed levels details to be agreed
- Boundary treatments
- External materials
- Implementation of landscaping
- Provision and retention of car parking
- No external lighting including floodlighting without prior approval of the local planning authority
- Provision of three electric vehicle charging points

- Ecology
- Hours of Community use; Term Time Use, Mondays to Fridays 1800 – 2130, Saturdays – 0830 – 2100 and Sundays – 0900 – 1600. Non-Term Time: Mondays to Fridays – 0830 – 2130, Saturdays – 0830 – 2100 and Sundays – 0900 – 1600

8 **23/00608/FUL - Site Of Former Bilston Tennis Courts, Villiers Avenue / Harper Road, Wolverhampton**

The Committee considered a report regarding 23/00608/FUL - Erection of 11 two and three bedroom semi-detached and detached dwellings.

Vijay Kaul, Section Leader, outlined the report.

The report was debated by Committee.

The Section Leader responded to questions asked and stated that electric charging points were now covered under Building Regulations.

Councillor Alan Butt moved the recommendations within the report. Councillor Bob Maddox seconded the recommendations.

Resolved:

That planning application 23/00608/FUL be granted subject to the following conditions:

- External materials
- Levels
- Construction Management Plan (inc operational hours)
- Land contamination and ground gas
- Detailed remediation scheme (coal mining)
- Drainage
- Landscaping
- Tree protection measures
- Ecological Mitigation and Enhancement
- Visibility Splays
- Implement access and parking
- Agree street furniture to be removed or relocated
- Boundary/retaining treatments
- Renewable energy
- Remove PD rights for rear extensions / dormers
- Obscure glazing / top openers (1.7m from room level) to first floor side elevation windows

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Planning Committee</b> <b>Tuesday, 19 March 2024</b>
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<b>Planning application no.</b>	24/00080/FUL	
<b>Site</b>	3 Greenacres, Wolverhampton, WV6 8SR	
<b>Proposal</b>	Proposed two storey and single storey rear extensions	
<b>Ward</b>	Tettenhall Regis;	
<b>Applicant</b>	Mr & Mrs Romans	
<b>Cabinet member with lead responsibility</b>	Councillor Stephen Simkins, Leader of the Council	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Tracey Homfray	Planning Officer
	Tel	01902 555641
	Email	tracey.homfray@wolverhampton.co.uk

## 1.0 Summary recommendation

1.1 Grant

## 2.0 Application site

2.1 The application site is a four-bedroom detached house, which has been previously altered, set within a staggered arrangement of detached properties, houses, and bungalows around a cul-de-sac. The properties have deep open plan green frontages, and private enclosed rear garden areas.

## 3.0 Application details

3.1 This proposal is for single storey and two storey rear extensions. The proposed ground floor rear extension consists of an infill between the existing extension's a playroom and the dining room, and the two storey consists of a first-floor extension above the existing playroom and dining room. The proposal would provide a larger open plan kitchen/dining area, and the first-floor alterations would provide one additional bedroom, and relocation of an existing bedroom providing five bedrooms in all.

The first-floor extension above the existing playroom has a projection of 3m, and width of 3.91m and is located 2m away from the common boundary with the neighbouring

property 2 Greenacres. The first-floor extension above the existing dining room has a depth of 3.37m and a width of 3.43m and is 0.4m away from the common boundary with 4 Greenacres.

- 3.2 The current proposal has been amended to address the previous refusal 23/01278/FUL (see details below) . The front extensions have been removed, reduced the depth and position of the first-floor extension above the existing playroom at the rear, and altered the window design of the first floor extension above the existing dining room at the rear.

### **Planning History**

23/01278/FUL - Proposed front and rear extensions to dwelling – Refused 11/01/2024.  
Reasons for refusal were:

1. The application site is set in a cul-de-sac of houses and bungalows, which are slightly staggered as they surround the close. The application site is one of three detached houses (central), set on the eastern side of the close. The property has already extended to the side, at first floor, filling in an area of space. The proposed alteration seeks to project further forward to the frontage at first floor, which erodes more space between the application site and No. 2 Greenacres, visually drawing the properties closer together, and removing the stagger. The stagger is a key characteristic of the close, therefore, the first-floor front alteration detracts from that setting to the detriment of the character and appearance of the street scene. Relevant UDP Policies: D4/D8/D9 and BCCS ENV3.
2. The proposed first floor extension to the front of the application site, would have a negative impact on the light and outlook afforded to the front recessed windows of the neighbouring property at No. 4 Greenacres, one of which is a bedroom. The outlook and light afforded to the bedroom window is already poor, therefore, the further proposed projection would exacerbate the situation, to the detriment of current and future occupiers. To the rear of the property, the first-floor rear extension along the common boundary with No. 2 Greenacres would by reason of its height, bulk and position relative to the house and garden have an unacceptable overbearing impact, reduce the amount of light, and on the outlook presently enjoyed by that garden and house, especially the patio area. Relevant UDP Policies: D7 & D8 and BCCS ENV3.

## **4.0 Relevant policy documents**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
  - Wolverhampton Unitary Development Plan (UDP)
  - Black Country Core Strategy (BCCS)
- 4.3 Tettenhall Neighbourhood Plan (TNP)
- 4.4 Extension to Houses – Supplementary Planning Guidance No. 4

## **5.0 Publicity**

5.1 One letter of objection received with a request to speak at planning committee, summarised as follows:

- Loss of privacy to garden and especially into the extension at the rear of the neighbouring property.

## **6.0 Legal implications**

6.1 Any decision of the planning committee must be carried out in accordance with the relevant legislative, internal, external, and Constitutional requirements/procedures as appropriate, taking into account the relevant provisions of the Relevant Policy Documents as set out above. Further implications and considerations of the objections and proposed conditions as to the grant of the permission are set out below. Reference: CS/08032024/1.

## **7.0 Appraisal**

- 7.1 The design of the extension is in keeping with the existing character and appearance, and with those properties surrounding. The extension would not be visible from the front of the property, or wider streetscene.
- 7.2 The enlarged property to five bedrooms would have ample garden and parking to support the residents.
- 7.3 The extension would be visible from neighbouring gardens, however, due to the relationship with neighbouring properties there would be no significant impact to amenities, such as outlook, light, sunlight and privacy.
- 7.4 The position of the first-floor extension above the existing dining room, is only marginally deeper than the neighbouring property at 4 Greenacres. However, these neighbours are concerned regarding the positioning of the extension and the potential overlooking from the proposed first floor window into their extension. The applicant has reduced the size of the window from the previous application and has repositioned the window (further away from the common boundary). Any views onto the garden or the neighbours extension would be an oblique angle and thus prevent any loss of privacy, significant enough to warrant further amendment or refusal to the proposal.
- 7.5 The first-floor extension above the existing playroom has now been positioned 2m away from the common boundary with 2 Greenacres and has been reduced in projection from 3.9m to 3m. This has resulted in an extension which appears less overbearing viewed from the neighbouring rear garden area and rear facing windows.

## **8.0 Conclusion**

8.1 The proposal has now been suitably amended addressing the previous reasons for refusal. Neighbour amenities have been satisfactorily addressed with a reduction in size and positioning of the extension, along with first floor windows. Therefore, the proposal is

compliant with national and local planning policies along the Tettenhall Neighbourhood Plan.

**9.0 Detail recommendation**

9.1 Grant subject to conditions:

- Matching Materials
- Removal of Permitted Development Rights for side facing windows



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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Planning Committee</b> <b>Tuesday, 19 March 2024</b>
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<b>Planning application no.</b>	23/01362/FUL	
<b>Site</b>	15 Firsway, Wolverhampton, West Midlands, WV6 8BJ	
<b>Proposal</b>	Proposed first floor side and single storey rear extension	
<b>Ward</b>	Tettenhall Wightwick;	
<b>Applicant</b>	Mr R Burrell	
<b>Cabinet member with lead responsibility</b>	Councillor Stephen Simkins, Leader of the Council	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Megan Benbow	Planning Officer
	Tel	01902 555625
	Email	Megan.benbow@wolverhampton.gov.uk

## 1.0 Summary recommendation

1.1 Refuse.

## 2.0 Application site

2.1 The application property is a large detached dwelling house, set back from the road with parking to the front, a landscaped front lawn and an enclosed rear garden. The site is situated in a residential area that consists of mainly large, detached properties of varying designs, mostly with distinct gaps between them at first floor.

## 3.0 Application details

3.1 The application seeks planning permission for a first floor side and a single storey rear extension for an extra bedroom, the bathroom to be relocated and the addition of a study on the ground floor.

## 4.0 Relevant policy documents

4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 The Development Plan:

Wolverhampton Unitary Development Plan (UDP)

Black Country Core Strategy (BCCS)

#### 4.4 Tettenhall Neighbourhood Plan (TNP)

TNP policy 12A “New Development to Respect Existing Local Character” aims to ensure that extensions respect and reinforce the established character of an area by taking into account the spacing between buildings and domestic gardens (including the proportion of garden area to building).

TNP policy 12B ‘Protecting Locally Important Views’ aims to ensure that extensions acknowledge the spacing between buildings and seek to protect important views.

#### 4.5 Supplementary Policy Guidance No.4 ‘Extension to Houses.’

### 5.0 Publicity

5.1 Direct notification was carried out to three neighbouring properties. One neighbour objection has been received and are summarised as follows:

- Design – not in keeping with the character and appearance of the street scene and the original dwelling.

### 6.0 Consultees

6.1 No consultees.

### 7.0 Legal implications

7.1 Any decision of the planning committee must be carried out in accordance with the relevant legislative, internal, external and Constitutional requirements/procedures as appropriate, taking into account the relevant provisions of the Relevant Policy Documents as set out above. Further implications and considerations of the recommendation are set out below (CS/27022024/1).

### 8.0 Appraisal

8.1 The application property falls within the boundary of the Tettenhall Neighbourhood Plan, a specifically adopted local plan for the Tettenhall area that needs to be considered alongside the other planning policies.

#### *Impact on the openness and character of the street scene*

8.2 The application site is located in Firsway, a residential street that is characterised by large individually designed detached dwellings and bungalows, set back from the road with large front gardens, garages and driveways. Firsway has a very strong open and spacious character with good gaps at first floor providing views between the properties. The application property is set between a bungalow and another detached property, which has a strong gap at first floor between them that protects the openness here.



- 8.3 Nearby properties have a broadly consistent design in that first-floor elements do not span the width of the development plot creating a positive contribution to the general spaciousness of the street scene. The proposed first-floor side extension would harmfully intrude upon the visual gaps between the properties.
- 8.4 The proposal has been amended since submission to provide a set down in ridge height and a set back from the front elevation to make the extension more subservient to the original dwelling. This amendment does slightly improve the design for the first floor side extension. However even the reduced scale of side extension at this location would not be appropriate considering the strong established character and endemic appearance of this street where the gaps and first floor spaces are intrinsic elements of this character and need to be preserved.
- 8.5 Therefore, the proposed first floor side extension will result in a complete loss of the key positive characteristic, the openness of the street scene, and is therefore contrary to the Tettenhall Neighbourhood Plan Policy TNP 12 Part A and Part B, as listed in section 4.4 of this report.

## **9.0 Conclusion**

- 9.1 Whilst the single storey rear extension is acceptable, the proposed first floor side extension by virtue of filling in the existing gap between this property and the neighbouring house at first floor, would result in a loss of spaciousness between the buildings which is characteristic of this group of houses and so would unacceptably detract from the existing character and appearance of the street scene.

## **10.0 Detail recommendation**

- 10.1 Refuse planning permission.
- 10.2 The proposed extension by virtue of its size, scale, and close proximity to the neighbouring property, number 14 Firsway, the filling in of the existing gap at first floor would result in a loss of spaciousness between the buildings, which is a key characteristic of this area and so would unacceptably detract from the existing character and appearance of the street scene. Therefore, the proposed development would be contrary to saved UDP Policies: D4, D7, D8, D9, H6 and BCCS Policies CSP4 and ENV3 and guidance of SPG4 Extensions to Houses and the Tettenhall Neighbourhood Plan Policy 12 Part A-B.



<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Planning Committee</b> <b>Tuesday, 19 March 2024</b>
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<b>Planning application no.</b>	23/01366/FUL
<b>Site</b>	Land Adjacent 182 Pinfold Lane, Wolverhampton, West Midlands, WV4 4HB
<b>Proposal</b>	Erection of 1no. dwelling
<b>Ward</b>	Penn;
<b>Applicant</b>	Mr Bhupinder Phagura
<b>Cabinet member with lead responsibility</b>	Councillor Stephen Simkins, Leader of the Council
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration
<b>Originating service</b>	Planning
<b>Accountable employee</b>	Roz Whitehouse    Planning Officer Tel                    07977 674780 Email <a href="mailto:Roz.Whitehouse@wolverhampton.gov.uk">Roz.Whitehouse@wolverhampton.gov.uk</a>

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## 1.0 Summary recommendation

1.1 Refuse

## 2.0 Application site

2.1 The garage site measuring 13 m in length and a maximum width of 6.3 m was originally in the ownership of 182 Pinfold Lane and has been separated from the main dwelling. The site is situated in a predominantly residential area with detached two storey dwellings of the same size and design in Brookdale Drive, and is situated close to the corner of Pinfold Lane.

## 3.0 Application details

3.1 The application proposal is for the erection of a one bed two storey dwelling.

3.2 The accompanying plans show a rear garden that is 4 m in length and 6.4 m maximum width and a single off-street parking space.

3.3 The proposal was subject to pre-application advice, with the Local Planning Authority advising the development could not be supported for the reasons outlined below.

#### **4.0 Relevant policy documents**

4.1 National Planning Policy Framework – (NPPF)  
Planning Practice Guidance (PPG)

4.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)

4.3 Supplementary Policy Guidance No. 4 – Residential Development

#### **5.0 Publicity**

5.1 Direct notification was carried out to six neighbouring properties and two letters of objection were received and are summarised as follows:

- Loss of light
- Design – not in keeping with the character, appearance or scale of the area
- Over development
- Visually intrusive

#### **6.0 Consultees**

6.1 Highways: Cannot support this application for the following reasons:

- The 5.2 m off-street car parking space is substandard to the minimum 5.5 m deep allocation to ensure no vehicle overhangs the adjacent footway.
- Displacement of vehicular parking for 182 Pinfold Lane

#### **7.0 Legal implications**

7.1 Any decision of the planning committee must be carried out in accordance with the relevant legislative, internal, external and Constitutional requirements/procedures as appropriate, taking into account the relevant provisions of the Relevant Policy Documents as set out above. Further implications are set out below and above (CS/2202024/1)

#### **8.0 Appraisal**

8.1 The key issues in determination of this application are:

Character and Appearance  
Residential Amenity  
Highway Safety

## **9.0 Character and Appearance**

- 9.1 The proposed dwelling would constitute an over development of a site which forms a driveway and garage. Given the limited depth of the site, the proposed dwelling would be very contrived and cramped into a space that is not designed to support a dwelling. The design and layout of the proposed dwelling would undoubtedly differ to other properties in the street scene. The plots and the dwellings are generally similarly proportioned and the development would unacceptably alter the existing pattern of development, through the creation of incongruously smaller plot. The proposal would also result in the loss of a transitional gap between the corner plot of 182, Pinfold Lane which sits perpendicular to the proposed dwelling 1 Brookdale Drive and would result in form of development which would be cramped in appearance and out of keeping with the existing established pattern and spaciousness.
- 9.2 The application submitted has taken into consideration the impact over overlooking and loss of privacy to adjoining neighbours by removing the windows to the rear first floor elevation, however, this has resulted in a poorly designed rear elevation, where the adjacent properties would be looking towards a blank wall.
- 9.3 The proposal would therefore significantly detract and be out of keeping with the character and appearance of the area.

## **10.0 Residential Amenity**

- 10.1 To protect neighbour amenity, SPG 4 states a minimum of separation of 12 m should be achieved from a rear elevation to a flank wall. The proposed dwelling's flank wall faces the rear elevation of 182 Pinfold Lane and has a separation distance of 8.8 m, such a shortfall would harmfully impact on the immediate outlook of the neighbour. Furthermore, the position of the proposed dwelling is immediately adjacent to the common rear boundary of 182 Pinfold Lane. The amenity space for this neighbouring dwelling is to the side of their property, and would immediately adjoin the side flank wall of the proposed two storey dwelling detracting from their outlook, create overshadowing and impact the private amenity area.
- 10.2 The Local Planning Authority encourage a minimum length of 11 metres for rear gardens serving a single two storey dwelling. The proposed amenity area to the rear of the development has a maximum length of 4m which is a significant shortfall and provides an inadequate private amenity space for future occupiers of the development and is not in accordance with Supplementary Policy Guidance No. 4 – Residential Development. Furthermore, with 182-186 Pinfold Lane sitting perpendicular to the proposed dwelling amenity area, these properties would directly overlook the garden area and would result in a loss of privacy of the private amenity area.

10.3 The proposal would not fully comply with the internal dimensions referred to in the Government's 'technical housing standards – nationally described space standards' (March 2015) which for a two storey one bed dwelling is 58 m<sup>2</sup> and the proposed dwelling has internal floorspace of 39.36 m<sup>2</sup> giving a shortfall of 18.64m<sup>2</sup>, resulting in poor living standards for future occupiers.

## **11.0 Highway Safety**

11.1 One car parking space is proposed to the front of the site, but the Highways Officer raised concerns regarding the proposed 5.2 m off-street car parking vehicle overhangs the adjacent footway to obstruct pedestrians. Given the minimal shortfall of 0.3m compared with the desirable 5.5m length, the LPA does consider a reason for refusal could be sustained, as the driveway can still accommodate a single vehicle without causing significant harm to highway safety.

## **12.0 Other issues**

12.1 Within the course of the application, the applicant has explained that he requires a small detached property to live in due to a medical condition. The Local Planning Authority, in weighing the personal circumstances in this balance, has to be considered against the significant harm that the proposal would have on the character and appearance of the surrounding area and the living conditions of existing neighbours and future occupiers. On balance, it is considered that the harm which be caused by the development is not outweighed by the health considerations in this case.

## **13.0 Conclusion**

13.1 The development would create an over development on a small garage plot, creating a cramped appearance and would be out of keeping with the existing properties and to the detriment of the character area. The development would have impact on neighbouring properties including the loss of privacy, outlook and daylight. Insufficient private amenity space and internal floor area, causing harm to future occupiers. Overall, this would be contrary to the development plan, when taken as a whole.

## **14.0 Detail recommendation**

14.1 That planning application 23/01366/FUL should be refused on the following grounds:

- Over development of plot, and harm to character of area
- Harm upon immediate outlook from neighbours

- Insufficient private amenity space and internal floor area, causing harm to future occupiers.

## Location Plan



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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Planning Committee</b> <b>Tuesday, 19 March 2024</b>
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<b>Planning application no.</b>	23/00001/TPO	
<b>Site</b>	141 Castlecroft Road, Wolverhampton, WV3 8BY	
<b>Proposal</b>	Confirmation report for The Wolverhampton City Council (141 Castlecroft Road) Tree Preservation Order 2023	
<b>Ward</b>	Merry Hill;	
<b>Applicant</b>	N/A	
<b>Cabinet member with lead responsibility</b>	Councillor Stephen Simkins: Leader of the Council	
<b>Accountable Director</b>	Richard Lawrence, Director of City Development	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Clifford Webb	Tree officer
	Tel	01902 555621
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## **1.0 Summary recommendation**

1.1 Confirm the order

## **2.0 Application site**

2.1 This Tree Preservation Order (TPO), as served, protected one Silver birch (T1) in the front garden of 141 Castlecroft Road.

## **3.0 Application details**

3.1 The tree subject to the order was identified for inclusion following an application to remove it. The tree is mature, and provides visual amenity to the surrounding area and makes a positive contribution to the amenity of the area.

## **4.0 Relevant policy documents**

4.1 Wolverhampton Unitary Development Plan (UDP) – Policy N7: The Urban Forest

## **5.0 Publicity**

- 5.1 At the time of service, and in line with the statutory requirements, a copy of the order and associated documentation was served on the site owners and all owners of adjacent land that have a right to undertake works to the trees.
- 5.2 In response to the service of the order an objection was received from the owner of 141 Castlecroft Road objecting to the order.
- 5.3 The objection is based upon concerns regarding the damage allegedly being caused to a new driveway surface invalidates the warranty on the driveway works. The objector states that the tree has limited visibility due to being flanked on either side by much larger oak trees. There is also a concern raised about loss of sunlight to the house and a wisteria plant.

## **6.0 Consultees**

- 6.1 None

## **7.0 Legal implications**

- 7.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for preservation of trees, they may make an order to that effect. Before confirming the Order, the local planning authority must consider any objections and representations duly made. (CS/06032024/1)

## **8.0 Appraisal**

- 8.1 The tree outlined in this order is a healthy specimen that brings a significant amount of amenity to the surrounding area, both as an individual, and as part of wider tree feature / informal avenue along Castlecroft Road.
- 8.2 The tree is visible from Castlecroft Road, and forms part of an informal avenue feature that is a key component of the landscape in the area. Birch trees are characteristic of the Castlecroft Gardens Conservation Area along Castlecroft Gardens but there are only a few others of this type in the Castlecroft Road part of the Conservation Area.
- 8.3 The tree is of a moderate size and has a long safe life expectancy (estimated to be in excess of 40 years) and is visible from both directions along Castlecroft Road.
- 8.4 The silver birch tree is in good condition with a high amenity and ecological value to the site and surrounding area, and is therefore worthy of inclusion within a TPO, given the public amenity value of the tree.
- 8.5 With regard to the reasons for the objection, damage to the driveway is minor and capable of repair if desired. Removal of the tree for this reason is not warranted. A replacement tree would take many years to reach a similar size and in the intervening

period the area would experience a loss of the existing tree's amenity value. The replacement planting would be insufficient to mitigate the harm caused by the loss of the tree.

8.6 The tree is located to the north of the property so does not obstruct sunlight to the property. It is not a densely leafed crown, so obstruction of daylight is not significant and the shading is of a dappled nature.

8.7 Therefore, the objections raised are not sufficient to prevent the confirmation of the TPO.

## **9.0 Conclusion**

9.1 The tree subject to this order provides sufficient public amenity to justify its inclusion within the Tree Preservation Order. Whilst the points raised in objection are noted, they are not sufficient to prevent the confirmation of the order at this time.

## **10.0 Detail recommendation**

10.1 Confirm the order.

### **Schedule**

Specification of trees

#### **Trees Specified Individually** (encircled in black on the Map)

<u>No on map</u>	<u>Description</u>	<u>Situation</u>
T1	Siver birch	Front garden of 141 Castlecroft Road

#### **Trees specified by reference to an area**

<u>No on map</u>	<u>Description</u>	<u>Situation</u>
	<b><u>NONE</u></b>	

#### **Groups of Trees (within a broken line on the Map)**

<u>No on map</u>	<u>Description</u>	<u>Situation</u>
	<b><u>NONE</u></b>	

#### **Woodland**

<u>No on map</u>	<u>Description</u>	<u>Situation</u>
	<b><u>NONE</u></b>	

# The Wolverhampton City Council

# CITY OF WOLVERHAMPTON COUNCIL

(141 Castlecroft Road) Tree Preservation Order 2023



**Scale:** 1:750

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Organisation	Wolverhampton City Council
Department	Department
Comments	
Date	19/05/23
MSA Number	100019537

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