

<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>

## 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

