



Appeal Decision

Site visit made on 7 July 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/C3430/W/20/3245733

1 Edge Hill Drive, Perton, Wolverhampton WV6 7SN

- 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 Antonio da Silva against the decision of South Staffordshire Council.
 - The application Ref 19/00655/FUL, dated 22 August 2019, was refused by notice dated 8 January 2020.
 - The development proposed is a log cabin erection on a concrete pad foundation in rear garden. Cabin purchased flat packed and tradesmen assembly on site.
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Decision

1. The appeal is allowed and planning permission is granted for log cabin erection on a concrete pad foundation in rear garden at 1 Edge Hill Drive, Perton, Wolverhampton WV6 7SN in accordance with the terms of the application, Ref 19/00655/FUL, dated 22 August 2019 and the plans submitted with it.

Procedural Matter

2. As noted from the appeal documentation and my site visit, the log cabin has already been erected on the site.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the adjoining residential properties.

Reasons

4. The appeal site is located on the corner of Edge Hill Drive and The Parkway which is a residential area. There are two residential properties¹ which adjoin the appeal site. The log cabin is situated towards the bottom of the rear garden of the appeal property.
5. The Council have set out in their reason for refusal that they consider it represents an overdevelopment of the site and would be likely to prejudice the amenity of the occupiers of adjoining properties.
6. However, other than a comment that it is located within 1 metre of the neighbour and that it represents an overdevelopment of the site, it is not clear what harm would occur as a result of the development or which occupier(s) it would have an adverse amenity effect on.

¹ 3 Edge Hill Drive and 11 Naseby Road

7. From my site visit I saw that the property to the rear (11 Naseby Road) sides onto the appeal site and the log cabin is sited so it is just beyond the rear of a single storey side projection to the main dwelling. Given the juxtaposition between this property and its garden to the appeal development it is clear that the log cabin does not have an adverse impact on the occupiers of that dwelling.
8. Turning to the effect on the occupiers of 3 Edge Hill Drive, the log cabin is sited close to the side boundary at the bottom of the garden. To that extent, it would have a very limited impact on the occupiers of that property when they utilise their rear garden. However, that impact is not unacceptable. In coming to that view, I acknowledge that in combination with the existing annexe it would result in almost a continuous line of buildings close to the side boundary with No 3.
9. Finally, in relation to the overdevelopment reference it is noted the only Development Plan policy referred to by the Council relates to protecting residential amenity. Given that I have not found any harm to the occupiers of the adjoining residential properties in this respect, and that there was ample private amenity space remaining for the occupiers of the appeal property, I consider that reference to the overdevelopment of the site is somewhat confused.
10. Notwithstanding that, even if it was meant that there are too many buildings at the appeal site and this affects the character and appearance of the area, I find that the amount of space available at the appeal site, and the overall design of the log cabin is not objectionable.
11. For the above reasons the log cabin does not harm the living conditions of the occupiers of the adjoining residential properties and would accord with Policy EQ9 of the South Staffordshire Core Strategy Development Plan Document (2012) which amongst other matters seeks to ensure that all development proposals take into account the amenity of nearby residents.

Conditions

12. Given that the development has already been carried out I consider that it is not necessary to impose any planning conditions, including the one originally suggested by the Council in their officers' report to committee.

Conclusion

13. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR