
Appeal Decision

Site visit made on 25 October 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 17 November 2016

Appeal Ref: APP/P4605/D/16/3156772

8 Pickwick Grove, Birmingham, West Midlands B13 9LN

- 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 Mrs Shabanam Fazal against the decision of Birmingham City Council.
 - The application Ref 2016/03942/PA, dated 6 May 2016, was refused by notice dated 4 July 2016.
 - The development proposed is a first floor side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 101 and 103 College Road with particular regard to outlook and loss of light.

Reasons

3. The appeal property comprises a detached house located within a mainly residential area. The dwelling is sited in close proximity to the junction of Pickwick Grove and College Road. The rear elevations of 101 and 103 College Road (No 101 and No 103) face towards the side elevation and boundary of 8 Pickwick Road (No 8). Due to the topography Nos 101 and 103 are at an appreciably lower level than No 8. I noted at my site visit that the ground floor rooms that face No 8 include a kitchen and dining room in No 103 and a kitchen and lounge in No 101. These rooms are not dual aspect i.e. with windows on both rear and front elevations.
 4. Lawful development certificates have been issued for proposed hip to gable roof alterations with rear dormer window and rooflights to the front of No 8. Prior approval applications have been approved at No 8 for the erection of a 2-storey and single storey extension at the rear, single storey extensions at the front and side, a pitched roof to the side extension and a detached structure to the rear. These proposals constitute the fallback position and it is likely that if this appeal is dismissed that these proposals would be implemented. As such I give significant weight to the fall back position.
 5. The flank wall of the extension would be around 9.9 metres from the rear elevation of No 103. The proposal would extend from the front elevation of No 8 to the rear and would coincide with all of the rear elevation of No 103. The Council's Places for Living Supplementary Planning Guidance (SPG) states that there should be a minimum distance of 12.5 metres between flank walls and
-

windowed elevations. I acknowledge that there is an existing single storey flat roof extension on the side of No 8 and that No 103 has a detached garage adjacent to the boundary with No 8. Consequently, the outlook from the rear of No 103 is restricted by the garage, single storey extension together with the existing house (No 8).

6. However, the proposal would introduce a first floor above the existing extension in close proximity to the boundary with No 103. As such, the outlook from No 103 would be further reduced causing material harm and detracting from the living conditions of the occupiers. The flank wall of the extension would be virtually unbroken except for a small bathroom window. The difference in levels would exacerbate the overbearing effect of the proposal on the outlook for the occupiers of No 103.
7. For these reasons, I consider that the proposal would dominate the outlook for the occupiers of No 103 from their rear windows and garden area. This would not be mitigated by the hipped roof design. The proposal would have a substantially greater impact on the outlook of No 103 than the fallback position due to its siting, size and close proximity to the side boundary.
8. No 101 has been extended at the rear with a single storey extension. As a result the rear window, nearest the boundary with No 103, would be in closer proximity to the proposal than the windows in the rear elevation of No 103. However, only a small part of the proposal would coincide with the rear elevation of No 101. As such, the outlook enjoyed by the residents of No 101 would not be significantly affected.
9. The Council's Officer Report makes no distinction between sunlight and daylight. The windows in the rear elevations of Nos 101 and 103 face approximately south-east and as the extension would be to the south-east of those windows it would reduce the amount of sunlight received in those rooms. However, taking into account the location of the existing house (No 8), the hipped roof design and the distance between the windows and the extension I do not consider that the reduction in sunlight would be appreciable.
10. Moreover, given the distance between the windows and the proposal the extension would not significantly reduce the amount of daylight received in the rear facing windows of Nos 101 and 103. No technical evidence has been submitted, but my assessment of the appeal site and its relationship to the proposed development lead me to conclude that it is likely that the proposed development would not significantly reduce the amount of light received in the rear habitable rooms of Nos 101 and 103.
11. Nonetheless, I conclude that the proposed first floor extension would cause material harm to the living conditions of the occupiers of No 103 in terms of outlook. This factor outweighs my findings regarding outlook in relation to the occupiers of No 101, sunlight and daylight. Accordingly, the development would be contrary to Policies 3.8, 3.10, 3.14C and 5.20 of the Birmingham City Unitary Development Plan which, amongst other things, require development to have regard to the guidelines set out in 'Places for Living' and create a high quality living and built environment. The proposal would also not comply with the SPG guidelines.

Other Matter

12. The decision notice cites the loss of privacy within the reason for refusal. However, the Council's Officer Report does not refer to any loss of privacy. I

note that there would be a small bathroom window on the side elevation but I am satisfied that obscure glazing could be secured by condition if I were minded to allow the appeal. Consequently this is not a fundamental issue in the determination of this appeal.

Conclusion

13. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR