

Appeal Decision

Site visit made on 22 December 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/P4605/D/16/3160078

12 Hazeley Close, Harborne, Birmingham B17 8AY

- 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 Rav Sangha against the decision of Birmingham City Council.
 - The application Ref 2016/03792/PA, dated 29 April 2016, was refused by notice dated 3 August 2016.
 - The development proposed is described as alterations to include ground floor rear extension, rear side dormer and health and fitness area at rear outbuilding.
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Procedural matter

1. The description of development in the above heading is taken from the application form lodged with the Council. Part E of the planning appeal form, which was completed by the appellant, indicates that the description of development has not changed although a different wording has been entered. The description on the planning appeal form refers to the proposal as the erection of a single storey rear extension, an increase of roof height, installation of a rear dormer, alterations to the porch and the erection of a detached rear outbuilding.
2. From my inspection of the plans, the revised description more fully reflects the development sought. As the Council appears to have considered the proposal on that basis so shall I. For consistency and clarity, my decision refers to the description of development as set out on the planning appeal form.

Decision

3. The appeal is dismissed insofar as it relates to the erection of a rear dormer, a detached rear outbuilding and an increase of roof height.
4. The appeal is allowed and planning permission is granted insofar as it relates to the erection of a single storey rear extension and alterations to the porch at 12 Hazeley Close, Harborne, Birmingham B17 8AY in accordance with the terms of the application Ref 2016/03792/PA, dated 29 April 2016, subject to the conditions set out in the schedule to this decision.

Main issue

5. The main issue is the effect of the proposed development on the character and appearance of the local area.
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Reasons

6. The appeal property is a mainly 2-storey detached house situated towards the end of a residential cul-de-sac along which dwellings vary in design, size and general appearance. Like several other nearby properties, No 12 has been externally altered and extended. Consequently, there is some variety to the existing built form in the local street scene to which No 12 belongs.
7. The Council raises no objection to the proposed alterations to the front porch roof and the new single storey rear addition. I, too, find these elements of the appeal scheme acceptable, as they are modest in scale, appropriate in design, and would have no significant harmful effect on the main house or the local area. Consequently, I shall focus on the remaining parts of the development, which include the erection of a dormer extension on the rear roof slope, a detached single storey outbuilding in the rear garden of No 12 for heath and fitness use and an increase in height to the main roof and a chimneystack.

The new rear dormer and outbuilding

8. The new dormer would be placed to one side of the main rear roof slope with its flat roof set just below the new ridgeline, which would be noticeably higher than the existing roof. Even so, the proposed dormer would still be a sizeable addition. Its 'box-like' shape would visually accentuate the mass of the new addition especially when seen from the rear of No 12 and the back garden of the adjacent property, which is 10 Hazeley Close. From these directions, the new dormer would appear as an overly large addition. The considerable size and bulk would give the host building an awkward top-heavy appearance even with matching external materials and the new rear ground floor extension and the alterations to the main roof in place.
9. The proposed outbuilding would be erected towards the rear of the long back garden of the appeal property. As the new built form would be modest in height and include a flat roof it would keep a relatively low profile to the rear of No 12. A good-sized rear garden would remain with the new built form in place and so it would not constitute over development. Nevertheless, the new outbuilding would be significant in scale with a footprint that would extend across much of the width of the plot. Taken together with its solid form of construction, the size of the outbuilding would clearly set it apart from ancillary outbuildings and structures that are generally found in the gardens of residential properties.
10. The main dwelling would screen both the new dormer and the outbuilding in views from the road and so there would be no discernable effect on the local street scene. From the rear of No 10, the proposed dormer and the outbuilding would, however, draw the eye notwithstanding the partial screening provided by existing vegetation, as uncharacteristically large additions. For these reasons, the new dormer and outbuilding, taken individually and together, would be obtrusive and out of keeping with the local suburban context.
11. The appellant states that other properties in the vicinity of the site have sizeable dormer extensions that have been approved without difficulty including No 10. However, few details of these schemes, and the first floor extension to which the appellant has referred, have been provided and so I am unable to conclude that their particular circumstances are directly comparable with the

proposal before me. I also observed that several properties in the vicinity of the site have rear outbuildings although these are generally smaller and more in keeping with their ancillary domestic use.

Raised roof height

12. By raising the ridgeline of No 12, as proposed, the finished dwelling would be noticeably taller than the existing building. With extended front and rear roof slopes and a raised chimneystack, the completed building would also appear more substantial in built form than the existing dwelling causing it to gain prominence in the street scene. Nevertheless, the finished roof would remain in proportion to the rest of the building and the completed dwelling would not look out of place among the varied built form on Hazeley Close, where variations in height between dwellings that differ in style and size would be not be unexpected. Consequently, this part of the development is acceptable. However, from my inspection of the plans, the raised roof and chimneystack are not clearly severable from the new rear dormer, which is objectionable, and so I am unable to grant planning permission solely for them.

Conclusions on the main issue

13. Overall, I conclude that the proposed rear dormer and outbuilding would detract from the character and appearance of the local area. As such, these conflict with Policies 3.8, 3.10, 3.14C and 3.14D of the Birmingham Unitary Development Plan 2005, which aim to ensure a high quality of design with no adverse effect on the quality of the environment.
14. These elements of the appeal scheme would also conflict with the Council's Supplementary Planning Document, *extending your home: home extensions design guide* (SPD). The SPD requires all new development to be well designed with one of the main principles being the protection of the appearance of the local area and of the host property. The new dormer and outbuilding would also be at odds with the National Planning Policy Framework (the Framework), which states that planning should always seek to secure high quality design and that development should add to the overall qualities of an area.

Other matters

15. As a reasonable distance separates the new rear extension and front porch to other adjacent dwellings, there would be no significant harm to the living conditions of the occupiers of other properties, with particular regard to light and privacy. There is no persuasive evidence that the potential noise from the use of the enlarged dwelling would be noticeably greater than the existing property. The detailed drainage arrangements would be a matter for consideration at the building regulations stage.
16. The proposal would make efficient use of the appeal property and the extra accommodation created by the dormer and the outbuilding would improve the living conditions of the appellant and his family. I note that permitted development rights have not been removed at the appeal property, as suggested by the appellant, and that a smaller outbuilding would not meet the appellant's needs for leisure space. However, these matters do not outweigh the harm that I have identified in relation to the effect of the new dormer and outbuilding on the character and appearance of the local area.

Alterations to the porch and the single storey rear extension

17. As the proposed alterations to the porch and the new single storey rear addition are in keeping with the character and appearance of the host building and the local area, these comply with the Council's policies and the Framework. Unlike the raised main roof and chimneystack, these parts of the appeal scheme are clearly separate to the rest of the development and so I am able to issue a split decision that grants planning permission just for them.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that the external materials match those of the existing building.

Conclusion

19. Overall, for the reasons set out above, I conclude that the appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs 001, 002, 003, 004, 005, 006, 007, 008, and 009.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.