

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: 20 January 2017

Appeal Ref: APP/P4605/D/16/3161775

2 North Gate, Birmingham B17 9EP

- 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 Mary Overthrow against the decision of Birmingham City Council.
 - The application Ref 2016/06683/PA, dated 5 August 2016, was refused by notice dated 23 September 2016.
 - The development proposed is the erection of a single storey rear and single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear and single storey side extension at 2 North Gate, Birmingham B17 9EP in accordance with the terms of the application Ref 2016/06683/PA, dated 5 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs A100a and A101b.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted, including windows, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

Procedural matter

2. On 10 January 2017, the Council formally adopted the Birmingham Development Plan 2031 (BDP). The BDP replaces those 'saved' policies of the Birmingham Unitary Development Plan 2005 that are cited in the reason for refusal. As the adoption of the BDP postdates the submission of the appeal, both main parties have been given the opportunity to comment on relevant policies within it, and I have taken into account those representations.

Main issue

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

4. The appeal property is a two-storey semi-detached dwelling that occupies a modest sized corner plot at the junction of North Gate and The Circle within the Moor Pool Conservation Area (CA). The CA is predominantly residential in character within which buildings are often set within landscaped plots, behind grass verges and mainly facing tree-lined streets. No 2 is one such example.
5. At the front, the appeal dwelling has a ground floor bay, gable end and a main entrance set back from the main two-storey wall with a long pitched roof slope above it. It addresses The Circle and North Gate junction as part of a broadly matching pair albeit the attached counterpart to No 2 has single storey side and rear projections. With gardens on three sides, a boundary hedge and a partly open frontage, the appeal dwelling adds to the suburban character, spacious feel and verdant quality of the local street scene. It positively contributes to the significance of the CA as a designated heritage asset.
6. When considering the impact of a proposal on the significance of a designated heritage asset, paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the asset's conservation, which I have done. BDP Policy TP12 echoes this requirement. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The proposal is to introduce single storey extensions at the side and rear of the main house, with external materials to match the existing building. The Council raises no objection to the proposed rear addition. I, too, find this element of the appeal scheme acceptable because it would be modest in scale, height and depth, and appropriate in design and appearance. As this element of the appeal scheme would be at the back of the main house and partly screened from public view by the host building and the boundary hedgerow of No 2, there would be no discernable effect on the character and qualities of the surrounding area with the new built form in place.
8. The new side extension would also be modest in scale with a relatively low eaves and a ridgeline set well below that of the host building. Like the existing dwelling, it would be simple in design with a front bay to complement a similar feature of the existing two-storey front façade. The detailed design and materials of the window to this bay could be covered by a condition to require a sample to be provided for the Council's approval before work starts. With the front elevation noticeably set back from the front two-storey wall and a shallow pitched roof that would angle away from view when seen from The Circle, this part of the development would be a subordinate and sympathetic addition. As the new side addition would not visually compete with the main two-storey house, with its distinctive form and features including the front door, ground floor bay and boundary treatment remaining unchanged, it would not diminish the positive contribution of the existing dwelling to the CA.
9. The proposal would enlarge the footprint of No 2, add to its scale and mass and significantly widen the front elevation. Nevertheless, the new side extension would not unduly disrupt the symmetry or sense of balance between the two dwellings as a broadly matching pair nor would it overbear because their two-storey front elevations would remain unaltered and both houses would include

side projections set back from the main front wall. As a free standing pair standing offset to the adjacent junction, there would be no disharmony with the rhythm of roof lines of properties close to the site.

10. The new built form would reduce the gap at ground floor level between the finished house and the site's side boundary by introducing additional built form. However, the extension would be mostly set back from the site's side boundary and set at a slightly lower level than North Gate as it passes the site. The new addition would also keep a low profile and be sited at an oblique angle to that road. As a result, adequate space would be retained around sides and above the new building to maintain the spacious feel to this part of the street scene.
11. Once enlarged, the house would have been significantly changed on each side, but the finished building would be of high standard design. It would continue to stand comfortably within its plot with adequate visual separation with the adjacent roads. The completed building would be wider and larger and thus more prominent in the local street scene. However, the new extensions would complement the architectural style of the existing dwelling with appropriate fenestration that would respect the composition of the house. The sense of openness and the verdant quality in the street scene would be retained with the new built form in place. For these reasons, the character and appearance of the CA would be preserved and its significance as a designated heritage asset would be protected.
12. From what I saw, other buildings close to the site have been extended, which are visible from the road without detriment to the character and qualities of the CA. Two particular properties with side extensions have been drawn to my attention, which I saw at the site visit. However, neither of these properties forms part of the same street scene as No 2 and few background details of their side extensions have been provided. Consequently, I am unable to conclude that the particular circumstances of these developments are directly comparable with those of the appeal scheme. In any event, each proposal should be assessed on its own merits, as I have done in this instance. For this reason, I am unable to share the concern of the Council and others that the proposed development would, if permitted, set a precedent for other schemes.
13. On the main issue, I therefore conclude that the proposed development would be in keeping with character and appearance of the host building and the local area. As such, there is no material conflict with BDP Policies PG3 and TP12, which state that development should demonstrate high design quality and contribute to a strong sense of place and, in conservation areas, to the asset's conservation while protecting or enhancing its significance. It would also comply with the Framework with regard to the protection of designated heritage assets and with the statutory duty.
14. An interested party considers that the proposal would conflict with the Council's Supplementary Planning Document, *extending your home: home extensions design guide* (SPD). However, a copy of this document has not been provided and I find the proposal to be acceptable in the light of BDP policies and the Framework for the reasons given.

Conditions

15. 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. Given the location of No 2 within the CA, it is important that the finished building should have a unified appearance and identity with respect to the external materials used. The age of the host building indicates that this can be most effectively achieved if samples of external materials including windows are submitted for approval before work starts. A condition to this effect is therefore imposed in the interests of a satisfactory appearance for the finished building.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR