
Appeal Decision

Site visit made on 21 February 2017

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/P4605/D/17/3167065
97 Colebourne Road, Birmingham B13 0HB

- 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 Surjit Bhogal on behalf of Mr Harpreet Singh against the decision of Birmingham City Council.
 - The application ref 2016/07723/PA, dated 11 September 2016, was refused by notice dated 9 November 2016.
 - The development proposed is the erection of single-storey side, front and rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey side, front and rear extensions at 97 Colebourne Road, Birmingham B13 0HB in accordance with the terms of the application, ref 2016/07723/PA, dated 11 September 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 plan reference 2016/838 (dated Sept 2016) as amended by proposed ground floor layout plan 01-838 revision 1 submitted with the appeal.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The planning application was made by the occupant of the property Mr Harpreet Singh, whereas the appeal was made by his agent Mr Surjit Bhogal. Mr Singh has confirmed in writing that he gives authority for Mr Bhogal to take forward the appeal on his behalf and I can, therefore, proceed to a determination.
3. A revised plan was submitted with the appeal¹. This shows the rear corner of the proposed extension close to the boundary with no. 99 to be chamfered. As this would have a negligible effect on the overall scheme, but would slightly reduce the size of the building close to the adjoining property, I am satisfied that no parties' interests would be prejudiced if I were to assess the proposal on that basis.

¹ Proposed ground floor layout plan 01-838 revision 1.

4. Since planning permission was refused, the Council has adopted the Birmingham Development Plan (2017) ("BDP"). The BDP supersedes policies 3.8 and 3.10 of the Birmingham Unitary Development Plan (2005) ("UDP") referred to on the decision notice, whereas UDP policies 3.14C and 8.39-8.43 remain extant. I have determined the appeal having regard to relevant policies in the current development plan.

Main Issue

5. The main issue is the effect that the proposal would have on the living conditions in the adjoining properties, nos. 95 and 99.

Reasons

6. The appeal relates to a two-storey semi-detached house with a single-storey flat-roofed garage and utility room to one side. To the rear is a long back garden surrounded by timber fence panels at least 1.8 metres in height supported by concrete posts. The adjoining house, no. 99, has a fully glazed rear conservatory extension close to the boundary with the appeal site. No. 95 has a small single-storey brick rear extension also close to the site boundary and beyond this a conservatory.
7. The proposal would involve the erection of a small front porch and forward extension to the garage, and a single-storey extension across the full width of the site projecting 5 metres into the back garden. The extension would have a low-pitched roof forming a rear gable and a lean-to roof above the garage and utility room to the side of the main part of the house.
8. The proposal would project further into the back garden than the conservatory at no. 99, although the chamfered corner would reduce the impact of this to some extent. Furthermore, the eaves would only be slightly higher than the substantial boundary fence, and the low-pitched roof would slope away from no. 99. Therefore, whilst the rear extension would cross a 45 degree line measured from the mid point of the nearest habitable room window in the rear elevation of the original house, it would have only a marginal effect on the outlook from and daylight to that room and to the conservatory. Being to the north of no. 99, the proposal would not affect the amount of direct sunlight reaching that property. The Council's 45 degree code would technically be breached, but the guidance states that account will also be taken of whether there is an existing permanent screen between the properties².
9. The Council advises that the proposal would comply with the 45 degree rule in relation to no. 95, and I am satisfied that the limited size and height of the extension, its relationship with that neighbouring property, and the presence of the existing boundary fence mean that it would not have an unacceptable impact in terms of outlook or light.
10. I conclude that the proposal would not materially harm the living conditions in either of the adjoining properties and would be in accordance with national policy³, BDP policy PG3, UDP policies 3.14C and 8.39-8.43, and associated

² Birmingham City Council *45 Degree Code Supplementary Planning Guidance* (2006).

³ National Planning Policy Framework paragraph 17, 4th bullet point.

guidance which collectively seek to ensure high quality design and a good standard of amenity for the occupants of buildings.

11. In addition to the standard conditions relating to the timing of development and compliance with the approved plans, it is necessary to ensure that the external materials match those of the existing house in order to safeguard the character and appearance of the area.

Conclusion

12. I therefore conclude that the appeal should be allowed.

William Fieldhouse

INSPECTOR