

Appeal Decision

Site visit made on 27 April 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 11th May 2017

Appeal Ref: APP/P4605/D/17/3170146
129 Baldwins Lane, Birmingham, B28 0PY

- 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 Mark McDwyer against the decision of Birmingham City Council.
 - The application Ref 2016/09175/PA, dated 2 November 2016, was refused by notice dated 21 December 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook.

Reasons

Character and appearance

3. The appeal property is a two storey end-terraced dwelling. It is located in a residential area, comprising mostly a range of two storey dwellings, including terraced, detached and semi-detached houses, although the occasional bungalow is also present.
 4. Situated where Baldwins Lane meets Scribes Lane, No 129 Baldwins Lane is located on a corner plot such that it fronts Baldwins Lane and its rear backs onto Scribes Lane. It has a large garden to the side and a smaller garden to the rear.
 5. Houses in the area are set back from the road behind gardens and/or parking areas, with further gardens to the rear. Wide pavements incorporating street trees and occasional grass verges are a feature of the area and together with residential gardens, provide for a notably green and spacious local character.
 6. During my site visit I noted that, whilst many houses have been altered and/or extended, such changes tend to be in keeping with their surroundings and do not appear to harm the area's green and spacious qualities.
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7. I also observed that properties fronting Scribes Lane face directly towards the rear elevation of the terrace in which the appeal property is located. As a result, the outlook from the houses fronting Scribes Lane is towards the rear gardens of properties along Baldwins Lane, which get gradually longer as one travels away from the appeal property to the west along Scribes Lane.
8. The absence of unduly prominent extensions to the rear of Baldwins Lane and the presence of trees, gardens, fences and occasional small outbuildings, all combine to provide for an attractive, green and spacious outlook from Scribes Lane in this location.
9. The proposed development would extend along the appeal property's boundary with the adjoining dwelling, No 131 Baldwins Lane, to close to the end of the rear garden. It would comprise a long and substantial extension to the already extended rear of the appeal property. As such, I find that it would appear as a built feature out of keeping with an area otherwise notable for its greenness, spaciousness and absence of prominently protruding rear extensions.
10. The proposal's incongruous appearance and its very close proximity to Scribes Lane would result in it drawing the eye as an unduly prominent built feature, visible over fences, through trees and from surrounding windows. The harm arising from this would be exacerbated as a result of the appeal property's location, such that the dwelling is already closer to houses along Scribes Lane than other dwellings in the same terrace.
11. Taking the above into account, I find that the proposal would harm the character and appearance of the area. This would be contrary to the Framework, to UDP¹ Paragraphs 3.8, 3.10 and 3.14, and to the Council's "Extending Your Home" Supplementary Planning Document (2007), which together amongst other things, protect local character.

Living conditions

12. As above, the proposed development would extend along much of the length of the shared rear boundary with No 131. As it would project from an existing extension, it would mean that there would be built development visible along almost the whole length of No 131's shared boundary with the appeal property.
13. Whilst I note that the proposal would only extend a short height above the shared boundary fence, this would still add built form above what is a tall fence. Consequently, I find that the proposal would detract from the green and spacious outlook to the rear of No 131 and this is a factor that lends weight to my decision below. In this regard, I note that the proposal would not comply with the 45 degree code and that this is not something altered by the presence of existing garden features.
14. Consequently, I find that the proposal would harm the living conditions of neighbouring occupiers with regards to outlook, contrary to the Framework and UDP Paragraphs 8.39-8.43, which together amongst other things, seek to safeguard residential amenity.

¹ Birmingham Unitary Development Plan (2005).

Other Matters

15. In support of his case, the appellant states that the proposal will provide for the diversification of housing stock, provide for the care of an elderly relative and enable another home to come to the market. However, I have found that the proposal would result in harm and this is not a factor outweighed by the benefits outlined by the appellant.

Conclusion

16. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR