The Planning Inspectorate

Appeal Decision

Site visit made on 3 May 2017

by B Bowker Mplan MRTPI

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

Decision date: 2 June 2017

Appeal Ref: APP/P4605/W/17/3167738
22 Easterton Croft, Birmingham B14 5PB

- 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 Shazad Azam against the decision of Birmingham City Council.
- The application Ref 2016/07720/PA, dated 12 September 2016, was refused by notice dated 8 November 2016.
- The development proposed is single storey first floor extension to form 2no. flats above built A1 Retail unit. Proposed single storey ground floor rear extension to be used as storage for A1 retail unit.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 10 January 2017, the Council adopted the Birmingham Development Plan (BDP). The parties have had the opportunity to comment on the effect of this matter on the appeal. The appeal has been determined taking into account the BDP.

Main Issues

3. The main issues are:

    - Whether the proposal would provide acceptable living conditions for future occupants with reference to internal living space and private outdoor space; and,

    - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living Conditions

4. The appeal site is an end of terrace ground floor retail unit located in an area predominantly residential in use. The proposed first floor extension would be above the retail unit currently under construction and would provide a two bedroom apartment.

5. Based on the Council's (undisputed) measurements, the gross internal floor area would be 51.5 square metres. The parties disagree on which minimum

space standard from the Nationally Described Space Standard (NDSS) applies. Based on the measurements of the bedrooms, I agree with the appellant that the proposal should be considered as a two bed three person apartment. The NDDS requires 61 square metres of gross internal floor space and 2 square metres of built in storage as a minimum to be provided by the proposal.

6. The bedrooms exceed the relevant NDDS minimum room size requirements and the proposal includes adequately sized windows. However, the overall gross internal area of the proposal would not meet the relevant NDDS minimum requirement. The extent of the shortfall would of a scale harmful to the living conditions of future occupants, even when discounting the requirement for built in storage. In addition, I share the Council's concern regarding the inadequate size of the kitchen/living room. Consequently the internal space proposed would not provide future occupants an acceptable living environment.

7. An appeal decision[1] is cited to support the proposal's absence of external amenity space. The case has some similarities with the proposal before me, namely comprising an apartment surrounded by open space that would be unlikely to attract young families. Consequently, the cited appeal decision carries weight in favour of the proposal. During my site visit I saw that properties in the vicinity are served by private amenity space. However, the existence of private garden areas in the vicinity would not prevent future occupants of the proposal from having close walkable access to the nearby green open space. Consequently the absence of private outdoor space does not weigh against the proposal.

8. The Council's Places for Living Supplementary Planning Guidance (SPG) document recommends 30 square metres of communal amenity space per flat. Nonetheless, the SPG acknowledges that its principles should be the focus. In this respect, the proposal would meet the SPG principles of being located in an accessible location that has complementary activities and safe and attractive spaces. However, the availability of outdoor space in the vicinity would not prevent the harm to the living conditions of future occupants by virtue of inadequate internal living space.

9. Therefore the proposal would not provide acceptable living conditions for future occupants with reference to internal living space. Consequently the proposal would be contrary to BDP Policy PG3, Unitary Development Plan (UDP) saved policies 3.14C and 3.14D and paragraph 17 bullet point 4 of the National Planning Policy Framework (the Framework). Combined these policies seek to ensure development has regard to SPG guidelines, demonstrates a high quality design, and ensures a good standard of amenity for future occupants of buildings.

Character and Appearance

10. Easterton Croft has a spacious character derived from the open green space to the north and west, and the generous width of the highway and adjoining grass verges.

11. During my site visit I saw that the gable end walls of some properties in the vicinity were set further away from the grass verges than would be the case

[1] APP/E2340/W/15/3127990

with the proposal. However, I also observed properties in the immediate vicinity, as photographed by the appellant, which have two storey gable ends in close proximity to the highway. Of particular relevance is the terrace to the immediate north of the site comprising Nos 2-8 Manningford Road.

12. Both the two storey gable end and high garden boundary wall of No 2 Manningford Road are close to the pavement at Easterton Croft. Views of the proposal from vantage points to the north and west would be made in the context of No 2. Owing to the backdrop of Nos 2-8, the proposal would not appear dominant when viewed from public vantage points to the south.

13. I note that the footprint of the two storey element of the proposal would remain unchanged. In addition, the single storey extension to the retail unit would be modest in footprint and scale. In this respect, the proposal would result in a minor increase in height and volume and thus would have a negligible effect on the surrounding spacious character. Furthermore, owing to the angle of the proposal in relation to the pavement, a sizeable section of grass verge would remain. Thus an open character would prevail adjacent to the site.

14. The width, length, height of the first floor extension would be in keeping with the wider terrace. In addition, the modest sized single storey extension would utilise matching external construction materials. Consequently, the proposal would be a discrete addition to the street scene when viewed from the immediate vicinity.

15. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of BDP Policy PG3 and UDP saved policies 3.14C and 3.14D. Combined these policies seek to ensure that the scale and design of development is of a high quality that has regard to local distinctiveness, open spaces and surrounding development patterns.

Other Matters

16. The proposal would deliver an energy efficient self-build dwelling on a brownfield site, expand a retail unit and occupy a sustainable location with good access to schools, shops and local transport.

17. The provision of an additional dwelling would contribute to local housing targets identified by BDP Policy TP28, help boost significantly the supply of housing and widen the choice of homes. These benefits combined attract modest weight in favour of the appeal.

18. In addition, I have identified no harm to the character and appearance of the surrounding area and to the living conditions of future occupants in relation to outdoor space. However, an absence of harm in these respects can only be considered as neutral factors when weighed in the planning balance.

19. Combined, the noted modest benefits would be outweighed by the harm identified above to the living conditions of future occupants by virtue of the unacceptable internal floor space proposed.

(continued overleaf)

Conclusion

20. Consequently, for the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR