



Appeal Decision

Site visit made on 4 July 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/P4605/D/17/3173092

14 Grange Road, Erdington, Birmingham B24 0DE

- 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 Rabia Ali Shahid against the decision of Birmingham City Council.
 - The application Ref 2016/08574/PA, dated 12 October 2016, was refused by notice dated 2 February 2017.
 - The development proposed is described as 'single storey rear extension double storey side extension single storey front extension'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 12 Grange Road in respect of outlook and daylight.

Reasons

3. 14 Grange Road (No 14) is a two storey semi-detached dwelling with a single storey side extension that encompasses a garage to the front and a utility room to the rear.
4. The proposed two storey side extension would occupy the same footprint as the existing garage/utility area and includes a hipped roof. This extension would be located to the side of 12 Grange Road (No 12), which has an existing side facing first floor bedroom window. The existing flank wall of No 14 is approximately 6m from this side facing bedroom window. As a consequence of the proposed two storey extension this separation distance would be reduced to 3m approximately, which would be significantly below the minimum 12.5m separation between an elevation containing a window and one and two storey flank walls opposite, as set out in the Council's 'Extending your home' Supplementary Planning Document (SPD). The close proximity of the proposed flank wall, combined with its height and depth would reduce the amount of daylight received at this window.
5. The appellant states that the first floor side facing bedroom window at No 12 was relocated from the rear elevation to the flank wall as part of an unauthorised conversion of this dwelling to flats. Therefore, it is inappropriate

to afford it consideration. Irrespective of this, I need to consider the appeal based on the situation before me.

6. A single storey rear extension is also proposed, which would be to the rear of the proposed two storey side extension. This extension would be adjacent to the boundary with No 12, which has an existing side extension with a rear facing bedroom window. The proposed extension would project approximately 3.7m, beyond the extension at No 12 and would include a shallow hipped roof to a height of approximately 3m.
7. The area where the proposed single storey rear extension is to be located is on a lower level than the adjacent garden at No 12. As such, the existing fence and retaining wall have a combined height of approximately 2.4m. The proposed single storey extension would infringe the 45 degree code, in respect of the rear facing bedroom window at No 12. However, this would only be in respect of a section of the extension, furthest away from the window, where its height would not be significantly higher than the existing boundary fence. Taking into consideration the height of the existing boundary fence, difference in levels and the shallow/hipped roof design of the proposed extension, it would not materially affect the outlook or daylight of the occupiers of No 12 over and above the existing situation.
8. For the reasons set out above, I conclude that the proposed two storey side extension would have a significant impact on the living conditions of the occupiers of 12 Grange Road, by way of loss of daylight and would therefore conflict with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework, which, amongst other matters, seek to secure good design in the interests of safeguarding the living conditions of neighbours.
9. The Council's decision notice also refers to Policy TP27 of the Birmingham Development Plan 2017, this policy specifically relates to new residential development. This appeal relates to extensions to an existing dwelling. Therefore, Policy TP27 is not relevant to this appeal.

Conclusion

10. For the reasons set out above, I dismiss this appeal.

M Aqbal

INSPECTOR