
Appeal Decision

Site visit made on 22 August 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/P4605/D/17/3176687
35 Tudor Hill, Sutton Coldfield, B73 6BE

- 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 M Albutt against the decision of Birmingham City Council.
 - The application Ref 2017/01248/PA, dated 9 February 2017, was refused by notice dated 31 March 2017.
 - The development proposed is first floor side extension and one and a half storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and a one and half storey side extension at 35 Tudor Hill, Sutton Coldfield, B73 6BE in accordance with the terms of the application, Ref 2017/01248/PA, dated 9 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PD 367/01 Rev B entitled 'Location and Block Plans', PD367/02 Rev B entitled 'Existing Floor Plans and Elevations', PD367/03 Rev B entitled Proposed Floor Plans and Elevations'.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those to be used in the existing building.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the existing house and the area having regard to streetscene and,
 - the effect on the living conditions of the occupants of 6 Park View with regard to outlook and light.

Reasons

Character and Appearance

3. Tudor Hill is a long cul-de -sac of different house designs and styles along the road. The road incorporates a number of bends and changes in level. The appeal property is a modern dormer bungalow which is set at an angle to the road. It is 'L' shaped with a flat roofed garage and utility room set at right angles to the main part of the house. The ground slopes away from the rear of the existing garage down to the garden of 6 Park View which is a large detached house in a small private cul-de-sac.
4. The proposed development is to extend the dwelling to the front replacing the existing garage with a gymnasium and new garage on the ground floor with a bedroom and bathroom above and tie in the roof to the existing roof of the main part of the dormer bungalow. The proposal also involves a number of other alterations including changes to the existing front dormer windows.
5. The proposed extension would have similar characteristics to the existing part of the dwelling in terms of appearance but the new extension would be less wide and the new garage element would be stepped back from the front building line and stepped down from the ridge line.
6. The Council has adopted a Supplementary Planning Document, '*extending your home*' March 2007. ("the SPD") which provides guidance in relation to residential extensions. It states that front extensions will not normally be acceptable. However the proposed extension is not a typical front extension and takes the form of a side extension, as it replaces and extends the existing garage which sits at right angles of the main elevation. Furthermore the nature of the proposed extension in its width and design with a stepped down garage element and only one front dormer window means that it would appear subservient to, and not out of scale with, the main part of the house. It would therefore accord with the guidance in the SPD relating to side extensions.
7. The design of the proposed extension also respects the main part of the house in terms of the size and nature of the front dormer window, and roof shape. The appeal property is located on a bend in Tudor Hill and the proposed extension will not be unduly prominent given that its gable will be the most evident element of it in initial views from travelling up Tudor Hill. Given this and that the existing house stands on its own in a street of properties of varying styles and types, I consider that the proposed development would not be harmful to the character and appearance of either the existing dwelling or the area with regard to streetscene. I therefore consider that the proposal would accord with Policy PG3 of the *Birmingham Development Plan 2017* ("the Development Plan") which sets out criteria for achieving good design and place making, and Policy TP27 of the Development Plan which seeks to promote sustainable neighbourhoods including the incorporation of good design.
8. The proposed development would also accord with Saved Policy 3.14, paragraphs 3.14C and 3.14D, of the *Birmingham Unitary Development plan 2005* ("the UDP") which seeks to promote good design. It would also accord with the SPD for the reasons set out above. I also consider that the proposal would accord with the core planning principles of the National Planning Policy Framework.

Living Conditions

9. The appeal property sits on significantly higher ground than the properties in Park View. However the bank which separates the appeal property from 6 Park View and lies to the rear of the appeal site is extremely well wooded with a mix of tall deciduous and evergreen trees, hedging and dense foliage. 6 Park View has habitable room windows on the ground and first floor facing the appeal site. The appeal house is not situated right on the boundary and there is a rear garden area separating the house and the hedge at the top of the bank.
10. The SPD sets out numerical design standards in order to protect amenity. These are also set out in the Council's adopted Supplementary Planning Guidance , *Places for Living, 2001* ("the SPG"). The standard for distances between two storey dwellings is set out as a minimum 21m although it is not clear whether in the case of a proposal where a windowed elevation faces a flank wall the lower 12.5m standard should apply. The proposal is not a traditional two storey dwelling but a dormer bungalow. The proposal does not introduce any new windows on the elevation facing 6 Park View. The privacy concerns of the occupier of 6 Park View are not therefore altered by this proposal.
11. If the 21m standard should apply then there would be a shortfall in separation distance of around 7.8m between the two properties given the adjustment which needs to be made in accordance with the SPD and SPG for the ground level differences. However, the significant tree and vegetation cover on the bank between the two properties acts as a robust and dense buffer.
12. The SPG and SPD both acknowledge that the standards are only the starting point and that the context must be taken into account. From my site visit I could see how the trees and vegetation on the bank were very prominent and significantly obscured the appeal property from 6 Park View and its garden. The proposed development would sit behind the trees and would not be unduly evident in views or provide unacceptable shadowing to the garden or house. I therefore conclude that there would be no harm to outlook or light from either the garden or the rear rooms of the house, as a result of the proposed development and that it would accord with Policy PG3 and TP27 of the Development Plan, Saved Policy 3.14 paragraph 3.14C of the UDP and the provisions of the SPD and SPG.

Conditions

13. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard condition relating to time for implementation there is a need for a condition specifying the relevant drawings as this provides certainty. There is also a need for a condition relating to matching materials in the interests of character and appearance.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR