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## Appeal Decision

Site visit made on 2 October 2017

**by Stephen Roscoe BEng MSc CEng MICE**

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

**Decision date: 11<sup>th</sup> October 2017**

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**Appeal Ref: APP/P4605/D/17/3178984**

**60 Willmore Grove, Kings Norton, Birmingham B38 9RE**

- 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 Vince Hoban against the decision of Birmingham City Council.
  - The application Ref 2017/03053/PA, dated 4 April 2017, was refused by notice dated 24th May 2017.
  - The development proposed is the erection of a conservatory to the side and planting.
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### Decision

1. The appeal is dismissed.

### Reasons

2. The main issue in this case is the effect of the proposal on the character and appearance of the appeal property and the surrounding area. The appeal dwelling comprises a quadrant of, what appear to be, four similar one bedroomed dwellings. The gable side elevation of the appeal dwelling consists of half of the gable of the full building and extends in width from the single storey front elevation to a two storey central ridge, where it meets the adjoining dwelling.
3. The main amenity space for the appeal property lies alongside the gable elevation of the dwelling, between it and a nearby cul de sac and footpath connection between roads on the residential estate. The ground floor level of the appeal dwelling is much higher than that of the footway and cul de sac at the other side of the amenity space, and the ground level falls steeply between the two. The space is very open with no privacy or boundary features, as is the adjacent area for the adjoining dwelling. The gable feature, and another nearby, are important visual characteristics of the cul de sac due to their form, higher level and open surroundings.
4. The proposal comprises a conservatory extension onto the gable side elevation of the appeal dwelling which, at one point, would occupy the full depth of the amenity area. The conservatory would occupy a significant proportion of the ground floor width of the appeal property gable elevation. It would also be built on a brick faced structure to raise it and accommodate the level difference between the dwelling and the footway and cul de sac.
5. These factors would make the conservatory readily visible and indeed prominent from the surrounding area. Because of its impact on the existing gable, the conservatory would be out of scale with the dwelling, out of keeping with the street scene and would dominate the character of both. This would be

the case, notwithstanding that a dormer has been omitted from a previous proposal. The conservatory therefore would not respond to, or respect, the local area's context as required by Birmingham Development Plan<sup>1</sup> (BDP) Policy PG3, UDP<sup>2</sup> Saved paras 3.14 C to D and Council's Supplementary Planning Document<sup>3</sup> (SPD).

6. It has been suggested that landscaping could mitigate the impact of the proposal. I am not however satisfied that this would be the case given the height of the conservatory from the cul de sac and footway and the close proximity of some of the viewing points from these areas. Moreover, the retention of such garden vegetation in the relatively small space available in the future is not something on which I could place great reliance.
7. Other extensions have been brought to my attention in the area around the appeal property. Those on similar styled dwellings as the appeal property are not as prominent as would be the case with the proposal. Those on the more traditionally formed buildings a little further from the appeal property are quite prominent, but they are behind boundary features and parking areas for the properties concerned. They therefore do not have the same impact as would be the case with the appeal proposal.
8. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the appeal property and the surrounding area. I further conclude that it would thus conflict with BDP Policy PG3, UDP Saved paras 3.14 C to D and the Council's SPD.
9. Having taken into account all other matters raised, including a local letter of support, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

*Stephen Roscoe*

INSPECTOR

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<sup>1</sup> Birmingham City Council: Birmingham Development Plan: January 2017

<sup>2</sup> Birmingham City Council: Birmingham Unitary Development Plan 2005: October 2005

<sup>3</sup> Birmingham City Council: Extending Your Home - Home Extensions Design Guide: Supplementary Planning Document: March 2007