
Appeal Decision

Site visit made on 1 May 2018

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2018

Appeal Ref: APP/P4605/C/17/3179859

87 Handsworth Wood Road, Handsworth Wood, Birmingham B20 2DH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr J Singh against an enforcement notice issued by Birmingham City Council.
- The enforcement notice, numbered 2014/0272/ENF, was issued on 14 June 2017.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey rear extension in the approximate position marked in green on the attached plan.
- The requirements of the notice are to demolish the single storey rear extension in its entirety and remove all materials and rubble associated with the removal from the premises.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed.

The appeal on ground (a)

Main Issue

1. The main issue is the effect of the development on the character and appearance of the appeal property.

Reasons

2. The appeal site is a large detached property set in a generous sized plot. The appeal property has been subject to a number of extensions including planning permission for a rear single storey extension¹. The development extends beyond the approved single storey rear extension further along the boundary with 93 Handsworth Wood Road.
3. The Council's Supplementary Planning Document *Extending your home* (2007) (SPD) recommends that all extensions at the back must be designed to look less important than the existing building so that it does not dominate the appearance of the whole house.
4. I note the appellant's comments regarding the percentage increase of the original dwelling resulting from the extension which has been granted planning permission and the percentage increase of the main house floor area of the development. Notwithstanding the figures provided by the appellant, the development extends from the rear of the original dwelling by approximately

¹ 2012/02927/PA

14 metres. Given that the depth of the original house is approximately 12 metres, the development results in an elongated structure which is out of keeping with the scale and character of the original dwelling. I accept that the development being at the rear does not affect the character or appearance of the street scene. However, due to the amount it projects from the rear elevation of the original dwelling, beyond the approved extension, the development dominates it and therefore is not subservient to the existing dwelling, contrary to the SPD.

5. The appellant argues that the development provides natural light and room sizes to meet the family needs, does not compromise the remaining garden space or available on-site parking and has no impact on adjoining neighbours in terms of loss of light or privacy. Nonetheless, I consider that the addition of an extension of this nature creates an incongruous addition to the appeal property causing harm to its character and appearance. Moreover, the roof design, the set down nature of the development and the existing/proposed landscaping do not overcome the identified harm. The lack of objections is noted but does not influence my decision.
6. I consider that the development significantly harms the character and appearance of the appeal property and conflicts with Policy PG3 of the Birmingham Development Plan (2017) and saved Paragraphs 3.14 C-D of the Birmingham Unitary Development Plan (2005) and the Council's SPD which amongst other things, state that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. These policies and guidance are broadly consistent with the core planning principle of the National Planning Policy Framework relating to high quality design.

Other matters

7. The appellant's submissions refer to properties within the Birmingham area which have been extended. I have not been provided with the circumstances of these particularly sites and do not know if they are directly comparable with the appeal before me. In any event, each case falls to be considered on its own merits and harmful extensions elsewhere do not provide justification for another at the appeal site. Thus, I afford this matter little weight.
8. I have considered the appellant's argument regarding the acceptability of the development if the appeal site was used for an alternative use. No such proposal is before me thus, I am unable to compare an extension arising out of a hypothetical material change of use of the property with the appeal development. I therefore give this matter little weight in my consideration of this appeal.
9. I have also considered the appellant's comments regarding a possible extension at 85 Handsworth Wood Road. No detailed drawings are before me thus, I am unable to compare this possible development with the appeal development. I therefore give this matter little weight.
10. The appellant draws attention to a potential fall-back – that is: that by creating an external corridor the appeal extension could be made into an outbuilding and that under permitted development a much larger building could be constructed. No detailed drawings are before me. Whether or not a larger building could be erected under permitted development, the appellant has

indicated that this is something he does not wish to pursue and thus I am not convinced that the fall-back position is realistic.

Conclusion

11. For the reasons above, and having regard to all other matters raised, I conclude that the appeal on ground (a) and the application for deemed planning permission should not succeed. I shall uphold the notice and refuse to grant planning permission on the deemed application.

Formal Decision

12. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Elizabeth Jones

INSPECTOR