



Appeal Decision

Site visit made on 19 June 2019

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/P4605/D/19/3224482

77 Beechmore Road, Birmingham, B26 3AS

- 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 Parsini Kaur against the decision of Birmingham City Council.
 - The application Ref 2018/07798/PA, dated 17 September 2018, was refused by notice dated 19 December 2018.
 - The development proposed is the retention of an orangery.
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Decision

1. The appeal is allowed and planning permission is granted for an orangery at 77 Beechmore Road, Birmingham, B26 3AS, in accordance with the terms of the application Ref 2018/07798/PA, dated 17 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Location Plan; 1:500 scale Block Plan; and 1:100 scale proposed Floor and Elevation Plan SA/1.
 - 2) The materials to be used in the external surfaces of the development (including the wall adjacent to number 75 Beechmore Road) hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 75 Beechmore Road (number 75), with particular regard to outlook and natural light.

Reasons

3. The appeal property is a semi-detached dwelling that has previously been extended at the rear with a single storey flat-roofed addition. At the time of my site visit the proposed orangery had been largely constructed and is attached to part of the earlier rear extension. It has been built along the shared side boundary with number 75 and projects some 3.5m beyond the extended section of the property.
4. The Council considers that the proposal would have an adverse effect on the occupants of number 75, in terms of loss of light and an overbearing impact on the outlook from that property. I also note that the occupants of number 75 have objected to the proposal for a number of reasons, including the effect on natural light and outlook.

5. Policy PG3 of the Birmingham Development Plan 2017 seeks to ensure (amongst other things) that all new development will be expected to demonstrate high design quality. In addition, saved paragraphs 8.39-8.43 of the Birmingham Unitary Development Plan 2005 states (amongst other things) that extensions to buildings that might affect adjoining occupants of residential properties should not cross a line drawn at 45° from the nearest front or rear window of the dwelling that may be affected. The 45° code is also included in the Council's Supplementary Planning Guidance – Extending Your Home.
6. Number 75 has a main habitable ground floor window/door, which is positioned close to the side wall of the existing extension at the appeal property. The proposed orangery extends this wall further along the shared boundary. Although the proposed development does not accord with the Council's policy and guidance in terms of the 45° code, each proposal must be determined on its merits with regard to the design of the extension and its relationship with neighbouring properties.
7. I consider that there is a minor impact from the proposal on the outlook from the nearest ground floor window/door of number 75, because of the length and positioning of the orangery extension. However, in my view, there is no significant impact on the light available to number 75, due to the limited height and orientation of the development. The orangery is a relatively small addition to the appeal property and it is not significantly taller than the existing boundary fence between the appeal dwelling and number 75. The installation of glazing on top of the orangery (which has yet to be done) would also help to reduce its impact on the neighbouring property by providing some visual relief.
8. In addition, number 75 has a relatively long rear garden, which retains a spacious and a relatively open aspect at the rear in other directions. This also helps to mitigate some of the impact of the proposed extension.
9. Despite the conflict with the Council's policy and guidance, for the reasons given above, I consider that the proposal does not have an unacceptably harmful effect on the living conditions of the occupants of number 75.

Other Matters

10. I note that representations were made to the Council by the occupants of number 75, regarding the quality of the work and difficulty they may have in selling their property. These matters are not planning considerations and, therefore, I am unable to deal with them as part of this appeal.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance.
12. As the development has already started the standard condition relating to the commencement of development is not necessary.
13. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

14. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR