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## 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: 8<sup>th</sup> July 2019**

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**Appeal Ref: APP/P4605/D/19/3226516**

**55 St Agathas Road, Birmingham, B8 2TU**

- 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 Sajad Hussain against the decision of Birmingham City Council.
  - The application Ref 2018/07730/PA, dated 20 September 2018, was refused by notice dated 25 January 2019.
  - The development proposed is the erection of a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. When the planning application was originally submitted, the proposal included a first floor front extension and dormer roof additions at the rear. The Council Officer's report states that the front extension has been deleted from the proposed development and the dormers reduced in size and to make them permitted development. Consequently, the appeal proposal relates to the single storey rear extension only, as described in the Council's report.

### Main Issues

3. These are the effect of the proposal on the living conditions of the occupants of numbers 53 and 57 St Agathas Road (numbers 53 and 57), with particular regard to outlook and natural light; and the effect of the proposal on the appearance of the existing dwelling.

### Reasons

#### *Living Conditions*

4. The appeal property is a terraced dwelling, which is situated in a densely built-up area of the city. At the time of my site visit, the property was being extensively renovated and extended. These works included the dormer roof additions, referred to above, and the erection of steelwork in connection with the single storey rear extension.
5. The proposal is to extend the property at the rear with the single storey extension. The Council's report states that it would project out some 6m from the rear wall of the existing dwelling and across the full width of the site. The extension would provide additional dining space at the property. I noted at my site visit that a number of properties along St Agathas Road have been

extended at the rear. Some of these appear similar in scale to the appeal proposal. However, I have dealt with this appeal on its own merits.

6. Policy PG3 of the Birmingham Development Plan 2017 (BDP) 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 (UDP) 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 (SPG).
7. In terms of its relationship with number 57, the proposed development does not accord with the Council's policy and guidance in terms of the 45° code. Furthermore, because of the length of the extension, together with its width and positioning adjacent to the shared side boundary, the proposal would, in my opinion, have an unacceptably overbearing impact on number 57. As it would be positioned to the north of number 57, I consider that any effect on natural light would not be significant. The fact that the facing side wall would be largely glazed would also ensure that some natural light would be received. However, due to the visually overbearing nature of the development, it would still be unacceptably harmful.
8. With regard to number 53, the relationship is different because of an existing rear extension to that property, which has also been built close to the shared side boundary. As a consequence, the appeal proposal does not project significantly beyond that. Although it would be positioned to the south of number 53, because of the relatively low height of the proposed extension and the limited projection beyond the closest part of number 53, any effect on outlook and natural light from and to that property would not be significant.
9. Nevertheless, for the reasons given above in relation to the effect of the proposal on number 57, I find that the proposal would have an unacceptably harmful effect on the living conditions of its occupants. Accordingly, the proposal would conflict with the provisions of the Development Plan and the Council's guidance, as referred to above.

### *Appearance*

10. In addition to Policy PG3 of the BDP (referred to above), paragraphs 3.14C and 3.14D of the UDP seek (amongst other things) to ensure that new development has regard to the Council's guidelines; and reflects the character of the area. Further guidance is provided in the Council's SPG (also referred to above). The SPG states that extensions should be smaller than the main part of the house and not dominate its appearance.
11. It is quite clear that the proposed extension is relatively large in comparison to the main part of the dwelling. Consequently, there is some conflict with the advice contained in the Council's SPG. However, because of previous alterations and the ongoing dormer extensions to the roof, I consider that much of the original character and appearance of the property has been lost. Because of this and because the proposed extension is at the rear of the dwelling and is not visible from the public domain, I am not persuaded that the

effect of the extension would be unduly harmful. Therefore, I do not find against the proposal on this issue.

**Conclusion**

12. For the reasons given above, it is concluded that the appeal should be dismissed.

*Ian McHugh*

INSPECTOR