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## Appeal Decision

Site visit made on 23 July 2019

**by J Gibson BUEP MPIA**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 August 2019**

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**Appeal Ref: APP/P4605/W/19/3228818**

**Land adjacent to 22 Jordan Road, Sutton Coldfield, Birmingham B75 5AB**

- 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 & Mrs Stewart McEwan against the decision of Birmingham City Council.
  - The application Ref 2019/00189/PA, dated 9 January 2019, was refused by notice dated 7 March 2019.
  - The development proposed is an erection of 1 no. dwelling house with associated car parking and erection of 1.8m high brick screen wall.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development in the heading above has been taken from the Council's decision notice as it more accurately reflects the development proposed. I have therefore used this description within my formal decision above.

### Main Issues

3. The main issues are the effect of the proposal on:
  - The character and appearance of the surrounding area; and
  - The living conditions of residents at 22 Jordan Road, with regard to outlook and light.

### Reasons

#### *Character and appearance*

4. The appeal property is located on the corner of Jordan Road and Jordan Close and is currently undeveloped. The property is oriented towards Jordan Road and shares a similar configuration to neighbouring property 22 Jordan Road, except for a truncation at the corner of the junction. The properties neighbouring the appeal property on Jordan Road are distinctly characterised by a balanced sequence of semi-detached dwellings which positively contribute towards the street scene. Along Jordan Road, on the opposite side of Jordan Close, this pattern of semi-detached dwellings is continued. The properties

along Jordan Close comprise a varied mix of dwelling types and designs and generally have spacious front gardens.

5. I have noted that the appeal property has a long history of refused planning applications for similar development, of which two were appealed and subsequently dismissed. Although some information has been provided, I have not been given the full package of plans and documents pertaining to those individual cases. I am therefore unable to determine the exact circumstances which informed these decisions and whether they are comparable in this instance. I have therefore, as is the case for all appeal decisions, considered the proposal on its own individual merits first and foremost.
6. Although detached, the proposal would serve to replicate the pattern of spacing and façade design established by the semi-detached dwellings along Jordan Road. However, to achieve the necessary spacing the dwelling is proposed to be located flush against the Jordan Close boundary of the site. This siting, in combination with the height and mass of this portion of the development would result in a dominant and overbearing presentation harming the Jordan Close street scene.
7. Jordan Close is generally considered to have an open street scene with the predominant building line being set well back from the road reserve. The notable exception to this is the existing semi-detached dwelling at 12 Jordan Road opposite the appeal property, which has a single storey side extension encroaching within this setback. Despite this, the extension preserves the open characteristics of Jordan Close by using a tiered design emphasising its subordinate relationship with the principle dwelling. Comparatively, the proposal would not achieve any form of openness along Jordan Close instead reinforcing the visual bulk and prominence of the design.
8. The appellant has compiled examples of similar development approved within the wider area to support their proposal. Based on the information provided these examples do not appear to be directly comparable. The full details of these approvals have been omitted, limiting my ability to determine the grounds for which these developments were approved. I am therefore unable to give significant weight to the issue of precedent and have decided the appeal on its own merits. I acknowledge that the appeal property would be a sustainable location for a new dwelling and would make efficient use of a currently underutilised site within the neighbourhood. However, these considerations alone cannot outweigh the harm identified, and must be accompanied by a balanced proposal which preserves the distinct pattern along Jordan Road and ties together the open character and appearance at the entrance to Jordan Close.
9. Accordingly, the proposed dwelling house would have a harmful effect upon the character and appearance of Jordan Close resulting from the combined siting, height and mass of the development along this boundary. The proposal therefore conflicts with Policy PG3 of the Birmingham Development Plan (2017), saved Paragraphs 3.14C & D of the Birmingham Unitary Development Plan (UDP) (2005), Supplementary Planning Guidance (SPG) / Document (SPD) "Places for Living" (2001) and "Mature Suburbs – Guidelines to Control Residential Intensification" (2008), and the National Planning Policy Framework (NPPF). These policies and documents collectively seek, amongst other things, to ensure that development reinforces local distinctiveness through design.

### *Living conditions*

10. Concerns have been raised by both the Council and neighbouring residents over the potential effect the proposal will have upon living conditions of the dwelling at No 22. Specifically, a perceived loss of outlook and light from the windows located on the outermost wall of the dwelling, closest to the appeal property. The basis for this concern relates primarily to the proximity of the development to the dwelling at No 22. These specific windows service a kitchen on the ground floor and a bedroom on the first floor. Each window is paired with a replicant window on the rear elevation to improve both the field of view and access to natural light for these rooms.
11. The outlook currently experienced from these side windows would be obscured by the development, however this would not be out of keeping for a suburban area such as this. The presence of a development on the appeal property would likely obscure any views from these windows by virtue of adhering to the character and appearance of Jordan Road. The preservation of the 45 degree line of site towards the rear garden also ensures that a sense of enclosure would not result from the development. I am therefore satisfied that the proposal would not detrimentally or unreasonably harm the outlook from No 22.
12. Factoring into this decision is the proposed separation distance between the development and No 22. The proposal seeks to replicate the pattern along Jordan Road by achieving a comparable gap between the dwelling at No 22 and the proposed dwelling. I observed during my site visit that a similar relationship between the semi-detached dwellings existed, whereby side windows were obscured by the neighbouring property. This helps convey that the proposed separation is not only functional from a living conditions perspective, but would reinforce the unique character along this portion of Jordan Road.
13. These existing characteristics factor into the concern regarding loss of light as well. The degree by which the proposed development would obscure No 22 is consistent with the accepted conditions along Jordan Road. The significance of this effect will be further alleviated by the presence of the rear windows servicing the same rooms. I am therefore similarly satisfied that the proposed development would not unduly cause the loss of light within the kitchen and bedroom of No 22.
14. Accordingly, the proposed dwelling house would not detrimentally harm the living conditions of No 22. The proposal therefore complies with TP27 of the Birmingham Development Plan (2017), saved Paragraph 3.14C of the Birmingham UDP (2005), the "Places for Living" SPG (2001), and the NPPF as it pertains to this issue. This policy seeks, amongst other things, to ensure new development create sustainable places and neighbourhoods.

### **Conclusion**

15. For the reasons given above the appeal is dismissed.

*J Gibson*

INSPECTOR