
Appeal Decision

Site visit made on 10 October 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/P4605/D/19/3232322

3 Hernall Croft, Birmingham, West Midlands B26 2NN

- 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 David Herron against the decision of Birmingham City Council.
 - The application Ref 2019/01971/PA, dated 6 March 2019, was refused by notice dated 13 May 2019.
 - The development proposed is a 2 storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 1 Hernall Croft, with regard to outlook and light.

Reasons

Character and appearance

3. The appeal dwelling is located on a cul-de-sac in a suburban area, with the surrounding area being characterised by two storey dwellings that are sited relatively close to one another. There are examples of nearby dwellings with two storey side extensions, and generally such extensions are set back from the original front elevations of the dwellings and/or have lower ridge heights. This gives them a subservient appearance and reduces their visual dominance upon the surrounding area.
4. The adjoining dwelling, 5 Hernall Croft, is not extended at two storey height to its side elevation and does not have potential to achieve an extension of the same width as the appeal proposal. Inevitably therefore, the proposed development would have the effect of unbalancing the appearance of this pair of semi-detached dwellings. Due to the fact that it would not be subservient to the original dwelling, the dominance of the proposed extension would result in significant visual harm to the pair of semi-detached dwellings. Furthermore, the proposal would be at odds with the prevailing design of existing two storey side extensions that I have identified.
5. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. This would be contrary to the design

aims of Policy PG3 of the Birmingham Development Plan 2017 (BDP), Saved Paragraphs of 3.14C-D of the Birmingham Unitary Development Plan 2005 (UDP) and the Extending Your Home Supplementary Planning Document 2007 (SPD), all of which seek to protect the character and appearance of the area.

Living conditions

6. No 1 is angled towards the appeal property and contains a number of windows in its rear elevation that face the site. Due to its positioning and layout, No 1 has a rear garden that is limited in both its size and in its shape. The two storey side extension would run along much of the common boundary with No 1 and be sited in the area closest to the dwelling itself. By reason of its positioning and its substantial height and length, the proposed development would cause significant harm to the living conditions of the occupiers of No 1 through a loss of outlook and light.
7. I note that the appellant considers that the development would have a minimum impact when compared to the impact of the original dwelling. However, the proposal would be much closer to the common boundary and in my judgement the impact arising would be much greater.
8. I conclude therefore that the proposed development would cause significant harm to the living conditions of the occupiers of No 1 due to the loss of outlook and light that would result. The development would not therefore meet with the objectives of Saved Paragraphs 3.14C and 8.39-8.43 of the UDP, the SPD or the 45° Code 2006, all of which seek to safeguard the living conditions of the occupiers of adjacent properties. The Council has referred to Policy PG3 on its decision notice but this does not make specific reference to living conditions. I have therefore not assessed living conditions against this policy.

Other Matters

9. The appellant has referred to amended plans which were received by the Council after they had determined the planning application. I must however base my decision upon the plans that I have before me, which are those that were determined by the Council.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR