



Appeal Decision

Site visit made on 18 September 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/19/3235730

2 Birch Drive, Sutton Coldfield B75 6HY

- 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 A Ryan against the decision of Birmingham City Council.
 - The application Ref 2019/04193/PA, dated 17 May 2019, was refused by notice dated 21 June 2019.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 2 Birch Drive, Sutton Coldfield B75 6HY in accordance with the terms of the application, Ref 2019/04193/PA, dated 17 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Map, Site Plan, Block Plan and drawing numbers P3 and P4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 4) The extension hereby permitted shall not be occupied until the first floor window in the rear elevation serving the en-suite has been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 5) The extension hereby permitted shall not be occupied until the first floor window in the side elevation serving the bedroom has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 21, 23 and 25 Keyse Road, with regard to overlooking and loss of privacy.

Reasons

Character and appearance

3. The dwelling is located on a cul-de-sac in a suburban residential area and occupies a relatively wide plot, compared to other similar dwellings. The character of the surrounding area is made up predominantly by semi-detached dwellings of the same type as that subject to this appeal, many of which have been altered and extended. Therefore, whilst there is a uniformity in the house designs and types, there is variation in their appearance. Notwithstanding these variations, the surrounding area maintains a pleasant character and appearance.
4. The dwelling is positioned at the beginning of the cul-de-sac and on a spacious plot. There is a two storey extension to the side of the adjoining dwelling, 4 Birch Drive, which has a similar visual impact when viewed from the public domain to that which the appeal proposal would have. These factors mean that the proposed development would sit comfortably within the plot and the surrounding area and that it would have the effect of increasing the symmetry of the pair of semi-detached dwellings. As a result, the proposed development would not cause harm to the character and appearance of the area.
5. I note that the Council has concern that the proposed development would not be subordinate to the existing dwelling. However, given that I have not identified any harm arising as a result of the development in the form it has been submitted, a requirement for a more subordinate design is not justified. The Council has also made specific reference to the arrangement of the ground floor windows on the front elevation of the proposed development and to the mono-pitch roof that would sit above them. However, the arrangement of the windows would not, in my view, cause harm to the character and appearance of the area and the mono-pitch roof would serve to improve the visual appearance of the dwelling.
6. The Council has made reference to the proposed development being contrary to its Extending Your Home Supplementary Planning Document 2007 (SPD), which includes guidance on extensions to the side of dwellings. Whilst providing guidance, this document is clear in its general aim of ensuring that development respects the appearance of the local area. With respect to extensions to the side of dwellings, it does not preclude a specific type of development providing that this design aim is met.
7. For the reasons stated, I conclude that the proposal would not conflict with the design guidance of Policy PG3 of the Birmingham Development Plan 2017 (BDP), Saved paragraph 3.14D of the Birmingham Unitary Development Plan 2005 (BUDP) and the SPD, all of which seek to protect the character and appearance of the area. Saved paragraph 3.14C of the BUDP refers to the Places For Living Supplementary Planning Guidance 2001 (SPG) with which, based on the information provided by the Council, I also find no conflict.

Living conditions

8. The area of concern raised by the Council relates to three first floor windows in the proposed development, one in the side elevation and two in the rear elevation. The Council has referred to its SPG and stated that the windows would not achieve the minimum distance from the site boundaries set out in this document. With respect to the window in the side elevation, this is a small secondary window which would serve a bedroom, with a large window also present on the front elevation. Obscurely glazing this smaller window would therefore not have any material impact upon the bedroom in question. Subject to this provision, there would be no harm arising to the occupiers of No 21 through overlooking or loss of privacy.
9. With regard to the two windows in the rear elevation, due to the orientation of dwellings in relation to one another, the proposed windows would not overlook directly towards the windows of the adjacent dwellings. They would also be set a reasonable distance from the boundary. Furthermore, the window which is proposed closest to the boundary would serve an en-suite bathroom and could reasonably be expected to be obscurely glazed, thus further mitigating any impact that would arise. Therefore, with respect to the two windows on the rear elevation, there would be no harm arising to the occupiers of No 23 and 25 through overlooking or loss of privacy.
10. I conclude that the proposed development would not cause harm to the living conditions of the occupiers of No 21, 23 and 25. Whilst the development does not achieve the distances to boundaries set out in the SPG, for the reasons I have given above and subject to the use of obscured glazing, the development would not cause harm to the living conditions of the occupiers of adjacent dwellings. Policy TCP27 of the BDP refers to new housing development and neither it nor Policy PG3 make specific reference to living conditions. I have therefore not assessed living conditions against these policies. I also note that the Council has referred to Paragraph 3.14C of the BUDP but this in turn refers to the Places For Living Supplementary Planning Guidance, which I have already considered.

Conditions

11. The Council has requested conditions relating to the time period for the implementation of the planning permission and with respect to the approved plans. I consider that both of these conditions are required to define the terms of the permission. Whilst the plans submitted do not label the materials proposed to be used, they do clearly show which parts of the development would be rendered and which would be brickwork and tiles. The planning application form confirms that these three external facing materials would be used. Therefore, I consider that a condition requiring that the external facing materials match those on the existing building would be adequate to secure a development of acceptable visual appearance.
12. For the reasons outlined above, it is necessary to ensure that the secondary window serving the bedroom and the window serving the en-suite bathroom are obscurely glazed and the appellant has confirmed their agreement to this. Due to its proximity to the boundary and its positioning, I consider it also necessary to restrict the opening of the bedroom window, to protect the living conditions of the occupiers of No 21. I do not however consider it necessary to apply the same restriction to the window serving the en-suite, as this window is

further away from the boundary and the provision of obscured glazing, in combination with its positioning, would be adequate to ensure that no harm arose to the living conditions of the occupiers of No 23 and 25.

Conclusion

13. For the reasons given above, I conclude that the appeal, subject to conditions, should be allowed.

Graham Wright

INSPECTOR