



Appeal Decision

Site visit made on 29 October 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2019

Appeal Ref: APP/P4605/W/19/3233732

1a & 1 St Anne's Close, Handsworth Wood, West Midlands B20 1BS

- 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 K Singh against the decision of Birmingham City Council.
 - The application Ref 2019/01664/PA, dated 26 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is change of use from single dwelling into two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from single dwelling into two dwellings at 1a & 1 St Anne's Close, Handsworth Wood, West Midlands B20 1BS in accordance with the terms of the application, Ref 2019/01664/PA, dated 26 February 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 details shown on the drawing titled 'Change of Use from Single Dwelling to Two', reference AG/217/1 revision B.
 - 3) The use of the building as two separate dwellings shall not commence until a scheme for the provision of a single parking space to the front of the dwelling labelled 1a on drawing AG/217/1 revision B, including any necessary amendments to the location and/or extent of the existing vehicular crossing(s) on the site frontage, has been submitted to and approved in writing by the local planning authority. The use of the building as two separate dwellings shall not commence until those works have been carried out and completed in accordance with the details thereby approved.

Application for costs

2. An application for costs was made by Mr K Singh against Birmingham City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

4. The existing extension to 1 St Anne's Close, which would become a separate dwelling, was built some time ago, and is an established presence within the street scene. Whilst its occupancy and use are currently linked to the dwelling at No 1, the extension has its own front door, separate and additional to that of the main host property at present. As a result, its existing use as an extension is not obvious from its external appearance, and it has the appearance of a separate dwelling at present. That would not change as a result of the very minor alterations to the building, including the replacement of the existing garage door with a window.
5. The extension is set back from the front of the host building, continuing the stepped rhythm of the terrace's existing frontage, and its slightly narrower width compared with the other houses in the terrace is not readily discernible in public views. Whilst lower than other dwellings in the terrace, the extension does not appear discordant in the context of other two storey dwellings in the immediate vicinity, including those directly opposite the site to the front and side.
6. Drawing those threads together, in this case I conclude that the use of the extension as a separate dwelling would not have an adverse effect on the character or appearance of the appeal site or its surroundings compared with its existing use as an extension to No 1. The proposal would therefore not conflict with Policy PG3 of the Birmingham Development Plan (the BDP) or saved paragraphs 3.14 C and D of the Birmingham Unitary Development Plan (the UDP) which, amongst other things, state that the Council will have particular regard towards the impact that the proposed development would have on the local character of an area, and require new development to reinforce a positive sense of place with design that responds to the local area context.
7. Those policies are consistent with the Framework, which states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment.
8. For the reasons given, the proposal would not conflict with the aims of the Council's Places for All Supplementary Planning Guidance (SPG), Places for Living SPG, or Mature Suburbs – Guidelines to Control Residential Intensification Supplementary Planning Document, which provide further guidance on proposals for new residential development.

Other Matters

9. The number of residents associated with two smaller dwellings is not likely to be significantly greater than those who could occupy the existing larger single dwelling at present. Therefore, and given the very limited alterations proposed to the building, the development would not have an adverse effect on the living conditions of nearby residents, including with regard to privacy, outlook, light, noise or disturbance, compared with the existing development.
10. On the basis of the details on submitted drawing AG/217/1 revision B, the size and layout of the external garden areas for the two proposed dwellings would be comparable to those of other similarly-sized dwellings in the same terrace, even without alterations to the proposed boundary positions, as suggested by

the Council, or the demolition of the existing single storey side extension, as proposed. Having regard to the relative sizes of those other existing properties and garden areas in the terrace, whilst the proposed garden areas may be slightly smaller than those recommended in the Places for Living SPG, I consider that they would be adequate to serve the two proposed dwellings in this instance.

11. I therefore conclude that the development would provide satisfactory living conditions for future occupants, and would not conflict with the aims of Policies PG3 and TP27 of the BDP or paragraph 3.14C of the UDP in that regard. On that basis, conditions requiring the removal of the single storey extension and alterations to the proposed garden boundaries, as suggested, would not be necessary.
12. The Council has expressed reservations about the capacity of the area to the front of the existing extension to accommodate two vehicles for the proposed dwelling, as indicated on the submitted drawings. At the time of my visit there were two vehicles parked to the front of the extension, one of which was partially overhanging the footway. I therefore share the Council's reservations, and consider that such alterations would be necessary to prevent obstruction to the public footway as a result of the proposed development.
13. Given the proposed dwelling's limited size, and in the absence of any substantive evidence to suggest that the development would lead to a significant or harmful increase in on-street parking in the vicinity, I consider that a single off-street parking space would be sufficient for the proposed dwelling. Therefore, and as space would remain to the front of No 1 to provide parking for that remaining property, which is accessed via a separate vehicular crossing, I am satisfied that those necessary alterations could be secured by condition.
14. A condition was attached to the planning permission for the extension preventing its use as a separate dwelling. However, I have considered the current appeal, for the use of that extension as a separate dwelling, on its own planning merits, and find it to be acceptable for the reasons given.
15. The Council has raised concerns regarding the potential for a precedent to be created if the development were to be permitted. However, any other applications for similar development would need to be considered on their own planning merits and in the particular context and circumstances in those cases. I have considered the proposal on its own planning merits and, in the particular circumstances of this case, I find it to be acceptable.

Conditions

16. I attach a condition specifying the approved plans, for certainty. As those plans include details of the proposed boundary treatments, which I consider to be acceptable, a separate condition requiring boundary treatments to be approved is not necessary.
17. A condition requiring the approval and implementation of a scheme to provide a single parking space to the front of the proposed dwelling is necessary to ensure that sufficient parking is provided within the site without obstruction to the adjoining footway.

18. For the reasons given above, I find that adequately-sized gardens would be provided without alterations to the proposed boundary positions or the demolition of the existing single storey side extension. Therefore, conditions requiring such measures are not necessary. For similar reasons, as the proposed gardens would be comparable to those of other houses in the same terrace with regard to their size and relationship to adjoining properties, I consider that the removal of permitted development rights from these two proposed properties would not be necessary or reasonable in this instance.
19. On the basis of the evidence before me, I consider it unlikely that the two smaller dwellings proposed would lead to a significant increase in the number of occupants of the building or the number of vehicle movements to and from the site, compared with the existing, larger dwelling. Nor, on the basis of the proposed internal layout, do I consider that there would be significant potential for harmful noise transference between the two proposed dwellings. Therefore, conditions requiring a noise insulation scheme and the provision of an electric vehicle charging point are not necessary in this instance.

Conclusion

20. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

Jillian Rann
INSPECTOR