
Appeal Decision

Site visit made on 12 November 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2019

Appeal Ref: APP/P1805/D/19/3230523

24 Fiery Hill Road, Barnt Green, Birmingham B45 8LG

- 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 Wayne Tracey against the decision of Bromsgrove District Council.
 - The application Ref 19/00409/FUL, dated 25 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is one-and-a-half storey extension to annexe.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Bromsgrove District Residential Design Guide Supplementary Planning Guidance Note 1 2004 (SPGN1) has been superseded by the High Quality Design Supplementary Planning Document 2019 (SPD). I have determined the appeal on this basis.

Main Issues

3. The main issues raised by this appeal are:
 - whether the proposal would preserve or enhance the character or appearance of the Barnt Green Conservation Area (CA); and;
 - the effect of the proposed development on the living conditions of the occupiers of no. 26 Fiery Hill Road with particular regard to loss of outlook.

Reasons

Character and Appearance

4. The appeal site is situated at the end of a private road which provides access to several large detached dwellings with substantial plots with front gardens/driveways and generous back gardens. The appeal property is a residential annexe to a sizeable detached Georgian style dwelling set back from the access to Fiery Hill Road by a long driveway. The topography of the site is such that the gradient decreases sharply to the of the main dwelling where the annexe is located. The gradient also decreases sharply to the rear (south) of the main dwelling. There are several mature trees as well as shrubbery and a hedgerow on the eastern boundary of the site shared with no. 26.

5. The appeal site and the rest of the properties on Fiery Hill Road are located within the Barnt Green Conservation Area (CA). The significance of the CA derives from the substantial residential plots surrounding large dwellings of a high and traditional standard of design. The development pattern within the CA varies with larger three storey palatial dwellings set out in a low-density pattern to the west with higher density two-storey twentieth century dwellings to the east set within a more formal layout. From what I have seen and read, the part of Fiery Hill Road where the appeal site is located (to the south east of the private access road) is largely characterised by more generous plots than the other dwellings located to the north giving it a lower density more comparable to that of Linthurst Road much further to the west of the CA.
6. The annexe itself currently comprises a two and a half storey building with its primary elevation facing the main dwelling to the west. Its design reflects that of the main dwelling consisting primarily of a red-brick exterior. It is currently used as a store/workshop in the ground floor with a living room, bedroom and a bathroom on the first floor. There is also a garage located on the lower ground floor which is an extension to the original annexe.
7. The extension was granted planning permission in 2016. Due to the topography of the site, the ridgeline of the roof to this garage extension does not project above ground floor height and cannot currently be viewed from the highway to the front of the appeal site. In addition to this given its scale and design the garage extension appears subservient to the annexe and also that the annexe itself appears subservient to the main dwelling.
8. The proposed development would extend the annexe upwards and outwards above the existing garage to provide a gym on the ground floor and a games room on the first floor. The gable elevation would have two new windows, one at ground floor level and the other at first floor level. The primary elevation (facing the main dwelling) would also have two new windows on being a dormer on the first floor matching the existing dormers and one on the ground floor. The first-floor roof ridge would extend forwards to the existing front building line of the current garage extension. The materials to be used would complement those of both the existing annexe and the main dwelling.
9. Given its design, scale, height and massing the proposed extension would not appear subservient to the original annexe building. Consequently, the annexe building itself would also not appear subservient to the main dwelling. For similar reasons the proposed extension would also be visible from the highway to the front of the appeal site. As a result, I consider that it would represent a discordant addition to the host property thereby harming its character and appearance and that of the wider street scene and area.
10. I note the appellant's points that the previously approved garage extension was not considered to be a 'disproportionate addition' as it was not visible in the street scene due to the screening in place at the entrance of the site. However, this was due to the bulk of the garage extension being below ground floor level due to the topography of the site. The proposed extension would be significantly higher than the previous garage extension measuring the same height as the rest of the annexe building meaning that it would be clearly visible from the site entrance.

11. Accordingly, given the design, scale, height and massing of the proposed extension it would fail to preserve or enhance the character or appearance of the CA. As a result, it would have a negative effect on the significance of a designated heritage asset resulting in less than substantial harm to the CA. Having regard to paragraph 196 of the *National Planning Policy Framework* (the Framework) I have little evidence before me to demonstrate that any public benefits arising from the proposed development exist in this case to justify this harm.
12. I therefore conclude that the proposed development would conflict with Policies BDP19 and BDP20 of the *Bromsgrove District Plan*, adopted January 2017 (BDP) as supported by the *High Quality Design Guide SPD*, adopted June 2019 (SPD), which seek to ensure that new development is of high quality design, complements local character and sustains and enhances the significance of heritage assets, amongst other considerations. It would also conflict with Policies the Framework indicated above which seek to conserve and enhance the historic environment, and Paragraph 130 which promotes good design.

Living Conditions

13. The eastern elevation of the proposed extension would be located approximately 11 metres from the nearest point of the adjacent property no. 26 'Bilberry Grange'. In addition to this the front elevation of no. 26 is orientated at an angle of approximately 45 degrees in relation to the annexe building. Consequently, whilst the extant landscaping on the shared boundary means that there would not be a loss of outlook from the first-floor windows, I do consider that there would be a loss of outlook from the second-floor dormer windows located in the roof of no. 26.
14. However, given the orientation of no.26 in relation to the annexe building I consider that this would not cause unacceptable harm to the living conditions of the occupiers of no. 26. As such, I conclude that the proposal would accord with Policy BDP1 of the BDP as supported by the SPD, which amongst other aims seeks to ensure compatibility of proposals with adjoining uses and the impact on residential amenity.

Conclusion

15. Whilst I have found that the proposed annexe extension would not unacceptably harm the living conditions of neighbouring occupiers, I have found that it would cause less than substantial harm to the character and appearance of the area and to the significance of a designated heritage asset. This is harm that is not justified. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR