
Appeal Decision

Site visit made on 2 December 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/P4605/D/19/3236470

48 Cotton Lane, Birmingham, B13 9SB

- 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 Upkar Pardesi against the decision of Birmingham City Council.
 - The application Ref 2019/03491/PA dated 27 February 2019, was refused by notice dated 9 August 2019.
 - The development is described as 'Proposed first floor extension'.
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Decision

1. The appeal is allowed, and planning permission is granted for the proposed first floor extension at 48 Cotton Lane, Birmingham, B13 9SB in accordance with the terms of application Ref 2019/03491/PA, dated 27 February 2019 and subject to the conditions below:
 - 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: Proposed Plans and Elevations DRN NO 101/201/01 and Location and Block Plan 101/201.
 - 3) The development shall not progress beyond the base course until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The appeal site address is stated as 50a Cotton Lane on the application form and submitted Site and Block Plan. However, the decision notice and subsequent appeal form indicates that the address is 48 Cotton Lane, which was confirmed as accurate when conducting the site visit. I have assessed the proposal on this basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the St Agnes Conservation Area and on the living conditions of nearby occupiers.

Reasons for Recommendation

5. The appeal property is a contemporary style dwelling, within and at the edge of St Agnes Conservation Area, situated behind properties which have a distinct historic quality. Properties on Cotton Lane vary in style, evidently constructed at different periods, resulting in an irregular development pattern, interspersed with mature vegetation which characterises this pleasant residential area.

St Agnes Conservation Area

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
7. The conservation area, near the appeal property, is characterised by large, gable fronted, detached dwellings appearing to date from the early part of the 20th Century. The individual modern style of the host dwelling provides a striking contrast with properties in the wider and immediate area. Although contrasting with its surroundings it fits within its setting contributing to the mixed and varied character of this part of Cotton Lane which has evolved over a number of years and has a distinctly different character to the dwellings within the Conservation Area on Oxford Road.
8. The proposal would comprise a modest first floor extension over the existing kitchen. The existing roof form is a combination of asymmetrical mono pitches, the awkwardness of which defines the property's contemporary character. The proposed design comprises a shallow hipped roof. Whilst it is noted that this aspect of the development would differ from the existing form and would be partially visible within the street scene, it would not compete with the existing strong roof line. It has been designed to be subservient and would contribute to contrasting shapes which already characterise the roof of the appeal property. Furthermore, it would not alter the pleasing architectural balance of the dwelling's principal elevation.
9. Therefore, the addition of the modest extension, the design of which is respectful of the existing bold style, would not harm the appearance of the host dwelling. The contribution that the host property makes to the character and appearance of the area would not be diminished as a result of the extension. Accordingly, I find that the proposal would have a neutral effect on the character and appearance of the conservation area.
10. It is concluded that the proposal would preserve the character and appearance of the designated heritage asset St Agnes Conservation Area. The proposal accords with Policies PG3 and TP12 of the Birmingham Development Plan 2017

(Development Plan) and the Framework which collectively seek to ensure that development demonstrates high design quality, contributing to a strong sense of place and conserving heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Living Conditions

11. The proposed development would be close to the boundary between the appeal property and the end part of the rear garden of No 62 Oxford Road. No 62 benefits from a reasonably long garden space which is screened from the appeal site by a panel fence and mature vegetation. The proposed solid wall, forming the first floor elevation of the extension would be visible above the existing boundary treatment from the garden of No 62 and from windows in its rear elevation. However, the proposed modest scale of the extension combined with the existing vegetation and the size of the garden of No 62 would prevent the development being perceived as overbearing. It would be unlikely to make the rear garden and rooms of this property less pleasant to use.
12. Concern has been raised that the proposal would result in a loss of privacy to nearby gardens. No first floor windows are proposed which would face towards the rear gardens of the dwellings in Oxford Road or No 50 Cotton Lane. As such there would be no overlooking of these gardens from the new extension or a reduction to existing levels of privacy. Although a new window is proposed on the elevation adjoining the party boundary with No 62 at ground floor level, this would be screened by the existing boundary fence and would not result in a loss of privacy to the rear garden of this property.
13. The first floor windows in the side elevation of the extension facing towards the adjoining garage block would be located some distance from the rear gardens of properties in Poulton Close. Given the separation distance between the respective properties and existing mature landscaping it would be unlikely that the new extension would result in a loss of privacy to the dwellings in this road or their gardens to the degree that would be harmful to the occupiers' living conditions.
14. In light of above it is concluded that the proposal would not harm the living conditions of the occupiers of nearby properties. There would be no conflict with the aims of Policies PG3 or TP27 of the Development Plan or the Framework which seek development to be designed which responds to site conditions and the local area context, providing a high standard of amenity for existing and future occupiers. Furthermore, there would be no conflict with the aims of saved Paragraph 3.14C of the Birmingham Unitary Development Plan 2005, the standards set out in Places for Living Supplementary Planning Guidance 2001 or guidelines contained within the Extending Your Home Supplementary Planning Document 2007, which seek, amongst other matters, to ensure that development does not adversely affect neighbours.

Conditions

15. In addition to the statutory requirement to impose a time-limit within which the development authorised must be started and to ensure that the development is undertaken in accordance with the approved plans, the Council has suggested that a condition is imposed requiring the submission and approval of samples

of materials for the external surfaces of the development. I find that the suggested conditions are reasonable and necessary for certainty and to safeguard the character and appearance of the area.

Conclusion and Recommendation

16. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and concur that the appeal should be allowed with the suggested conditions.

RC Kirby

INSPECTOR