



Appeal Decision

Site visit made on 17 December 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/P4605/D/19/3238809

4 Varden Croft, Birmingham, B5 7LR

- 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 R Iqbal against the decision of Birmingham City Council.
 - The application Ref: 2019/02631/PA, dated 26 March 2019, was refused by notice dated 30 September 2019.
 - The development proposed is erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 2 and No 6 Varden Croft, with particular regard to light and outlook.

Reasons

3. The appeal site consists of a mid-terrace property which has a private garden area to the rear. No 2 and No 6 Varden Croft are attached to the appeal site as part of the terrace. The rear site boundary adjoins a pedestrian access and the gardens of properties on Belgravia Close.
4. The proposed extension would directly adjoin the side boundaries and be in close proximity to existing windows on the rear of both adjacent properties. It is understood that these are primary windows to habitable rooms, and I saw on my site visit that they are clear glazed.
5. There is a garden shed within the appeal site that is situated adjacent to No 2 and there is fencing to the side boundary. The property to the rear of No 2, that fronts Belgravia Close, is in close proximity to the rear boundary and it is an imposing and dominant feature. As a result, No 2 relies on views to its side boundaries for light and outlook.
6. The proposal would result in a substantial increase in the development to the side boundary with No 2. The extension would be clearly visible above the existing fence and be a far more dominant feature than the existing boundary treatment or garden shed.
7. Due to the proximity of the proposed extension it would result in a sense of enclosure when viewed from No 2, restricting outlook and creating an oppressive feeling within the dwelling.

8. In addition, due to the orientation of the site in relation to No 2, there would be an increased level of overshadowing to this window that would unacceptably harm the living conditions of the occupants.
9. I note the appellant considers the size of the window at No 2 would limit any impact. Whilst I saw on my site visit that this window is offset from the site boundary and forms part of a large opening in the brickwork, the glazed sections are relatively modest with the lower section of the opening being UPVC. I therefore do not consider that the window is of such a size that it would sufficiently mitigate the harm I have identified above.
10. The extension would be in very close proximity to the existing window at No 6. This proximity and its projection beyond the rear elevation mean it would be visually prominent and visible in wider forward views from this property. Whilst No 6 is at a higher ground level than the appeal site and has a more open aspect to its rear boundary, the extension would still be an intrusive feature. The existing level change or boundary treatment would do little to mitigate this.
11. Furthermore, No 6 is to the north-west of the appeal site and there would be increased overshadowing to this property as a result of the proposal. It is acknowledged that the proposed extension would have a flat roof, and this may limit the impact to some extent. However due to the proximity of the proposed extension to the window I consider the overshadowing would result in unacceptable harm. There is a partially glazed door adjacent to the nearest window at No 6, though this would similarly be affected by the proposals.
12. In order to protect neighbours' enjoyment of their home the Council's Supplementary Planning Document: Extending Your Home, 2007 (SPD) and Supplementary Planning Guidance: Places for Living, 2001 (SPG) set out standards to be applied in assessing the impact of new development. With regards to the current appeal scheme the 45-degree code is the relevant standard.
13. I note the appellant considers the Council applied this standard too rigidly and did not take into account other considerations. However, I have considered the scheme on its own merits, having regard to all the evidence submitted.
14. As detailed above due to the proximity of the proposed extension to the site boundaries and adjacent windows, its overall height and depth of rear projection, it would have an unacceptable harmful impact on outlook and light to No 2 and No 6.
15. On that basis the proposed development would be contrary to Policy PG3 of the Birmingham Plan 2031-Birmingham Development Plan, 2017 and saved paragraphs 3.14C and 8.39-8.43 of the Birmingham Unitary Development Plan, 2005, which seek to ensure that all developments achieve a high design quality and do not seriously affect the outlook or daylight of adjoining properties. For the same reasons the proposals would fail to achieve the high-quality design requirements of the SPG, SPD or Section 12 of the National Planning Policy Framework.

Other Matters

16. It is acknowledged that there were no neighbour objections submitted to the original planning application, however this does not lead me to a different conclusion.

Conclusion

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

A Denby

INSPECTOR