



Appeal Decision

Site visit made on 9 December 2019 by S Watson BA(hons) MSc

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/P4605/D/19/3236707

33 Cottage Lane, Sutton Coldfield B76 9AW

- 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 Robert Dudley against the decision of Birmingham City Council.
 - The application Ref 2019/03744/PA, dated 1 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is described as 'two storey side extension, single extension and garage'.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues in this case are the effect of the proposal on the:
 - character and appearance of the host dwelling and street scene; and,
 - the living conditions of neighbouring occupiers at No 35 Cottage Lane with particular reference to outlook and light.

Reasons for the Recommendation

Character and appearance

4. The appeal site is located on the east side of Cottage Lane and contains a semi-detached dwelling with a single storey side extension on the north side. Cottage Lane itself is a residential street primarily made up of semi-detached dwellings which, although there are a number of styles, are characterised by a similar palette of materials and details. The proposal includes the removal of the existing side extension and the erection of a two-storey side extension with an attached garage and a single storey rear extension.
5. As the proposed first floor side extension continues flush with the host dwelling and roof, it would not be subservient to the host-dwelling. By way of its size

and siting, it would be a prominent addition within the street scene. Given the overall scale of the extension and that it is not set back from the front elevation of the existing property or its ridge line down from that of the host dwelling it would result in the pair of semi-detached dwellings appearing unbalanced.

6. I noted some examples of similar extensions, at the site visit, including the first-floor extension at No 37 Cottage Lane. I do not know the circumstances under which each extension was approved. Regarding the extension at No 37, the host dwelling is of a different style meaning the impact of any extension would be different to the appeal site. Nevertheless, all proposals must be considered on their own merits.
7. In light of the above I conclude the proposed extension would result in a prominent addition to the host dwelling which would harm the balance of the pair of semi-detached dwellings. Harm would therefore result to the character and appearance of the host dwelling and street scene, contrary to Policies PG3 and TP27 of the *Birmingham Plan 2031: Birmingham Development Plan* (BDP), Saved Paragraph 3.14C of the *Birmingham Plan: Birmingham Unitary Development Plan* (BUDP), the guidance within the *Extending Your Home: Home Extensions Design Guide* supplementary planning document, and the National Planning Policy Framework (the Framework). These policies and guidance collectively seek for development to ensure a strong sense of place and high design quality.

Living conditions of neighbouring occupiers

8. The south elevation of No 35 Cottage Lane includes two clear glazed windows on the first floor which appear from the submissions before me to be the primary windows serving a bedroom. On the ground floor there is a solid door and two small obscure glazed windows, which from my site visit appear to be secondary windows serving the room at the front of the property. The erection of a two-storey side extension would significantly reduce the space between Nos 33 and 35.
9. Given that the ground floor windows of No 35 are obscure glazed and are secondary windows, I find that there would be no unacceptable impact on the outlook from, or light to, these windows to such an extent as to make the room they serve less fit for use. As the side door is not glazed, I find that any impact would be limited to when the door is open, and that this would not be unacceptable.
10. Currently the outlook from the first-floor side windows would primarily be of the side of No 33, including opposing first floor clear glazed windows. Given the width of the windows serving the first floor there would likely be some views to the front and rear of No 33 which would be more open and distant. As the separation distance is already limited, and well below the 12.5m minimum set out in the *Places for Living* supplementary planning guidance (SPG), reducing this distance further would harm the outlook from No 35 and result in the side elevation of the proposal being an intrusive feature within the resulting outlook. However, the size and siting of the first-floor windows in relation to the proposal, would maintain a suitable level of natural light to the bedroom.
11. Given my findings, I conclude that the proposal, while not harming light to the windows of the neighbouring dwelling, would harm outlook and would therefore

harm the living conditions of the occupiers at No 35 Cottage Lane. In this way the proposal would conflict with the living condition aims of Policy PG3 of the BDP, saved Paragraph 3.14C-D of the BUDP, the guidance within the SPG, and the Framework.

Other Matters

12. Although I acknowledge that no objections have been received from neighbours or other interested parties, this cannot be taken as tacit support for the proposal.

Conclusion and Recommendation

13. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

Kenneth Stone

INSPECTOR