



Appeal Decision

Site visit made on 23 March 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 April 2020

Appeal Ref: APP/P4605/D/19/3244080

7 Pakenham Road, Birmingham B15 2NE

- 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 Suresh Ganta against the decision of Birmingham City Council.
 - The application Ref 2019/04459/PA, dated 27 May 2019, was refused by notice dated 24 October 2019.
 - The development proposed was described originally described as *'The proposal seeks to create a single storey flat roof extension to the rear of the property, which will include an additional lounge area, a gym, an indoor swimming pool, changing facilities as well as a new ground floor bedroom with en-suite to cater for the client's elderly mother. Some existing outbuildings will be demolished in order to make way for this new extension. The rear extension will be constructed so that it is in keeping with the existing house and will use traditional materials to match the existing architectural style of the Victorian building. Reclaimed building materials will be used where possible on this property and a series of roof lanterns and bifold doors will be provide light into the space. Furthermore, a small badminton court is also to be added to the back of the garden and it is also proposed to add a new porch frontage to the building. The client has purchased an existing Victorian porch, which is to be used for this building and will look to sympathetically work with the existing building and context.'*
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development was originally described on the planning application form in the terms set out above. However, the proposal was amended during the course of the Council's consideration of it and the badminton court and front porch were both removed from the application. It is clear from the evidence before me that the Council considered the proposal in its amended form, and so therefore shall I. The description of the development set out on the decision notice¹ more concisely reflects the amendments to the application and I have adopted that description and determined the appeal on that basis.

Main Issues

3. The main issues are the effects of the proposed development upon;
 - The character and appearance of the host property and the surrounding area, with particular regard to the setting of nearby listed buildings and the character and appearance of the Edgbaston Conservation Area; and

¹ 'Erection of single storey extension'

- The living conditions of occupiers of 6 Pakenham Road, with particular regard to sunlight and daylight, and outlook.

Reasons

Character and appearance

4. The appeal property is described as being a late 19th century detached dwelling. Large, and notable for its detailed façade, No. 7 departs from the consistency of design demonstrated by the listed buildings² lying to either side of it on Pakenham Road. The appeal property is neither statutorily nor locally listed but lies within the wider Edgbaston Conservation Area (CA).
5. The CA's Character Appraisal (CACA) notes the CA as being characteristically green, exclusive and suburban, and primarily residential in nature. The CACA goes on to note the range of architectural styles within the CA and describe it as providing 'the most complete history of changing fashions in domestic architectural design in Birmingham'. Differing plot sizes and layouts, building sizes and settings, orientations, footprints and architectural style avoid excessive uniformity whilst maintaining a rural feel consistent with the 19th ideal of '*rus in urbe*', which the CACA notes as a characteristic of the CA.
6. The proposed extension would be located at the rear of the property and would not be seen from publicly accessible viewpoints along Pakenham Road or Elvetham Road. Nor, given the size and verdant sylvan nature of the extensive rear garden plots, would it be seen clearly from anywhere other than the immediately adjacent neighbouring properties.
7. However, the proposed extension would be a large, sprawling and, notwithstanding the generous scale of the host property, somewhat disproportionate addition at the rear of the property. It would entail the removal of lean-to roofed single storey outbuildings located along the substantial brick wall between the appeal property and No.8 and would subsume the building's entire ground floor rear elevation. Although clearly subservient to the main building in terms of its height, its ground coverage would not and the extension's sprawling footprint would dominate the rear of the property.
8. The rear of the property is not widely visible from beyond the site, other than from the two adjacent properties. The garden wall to No. 6 and the wall and two storey outbuilding to No. 8 would largely disguise the extent of the proposed extension from ground level. However, in elevated views, the disproportionate scale of the extension and its dominating relationship with the host building would be clearly appreciated. Moreover, in these elevated views the expanse of flat roof, pockmarked by rooflights, would further highlight the extent of the proposed extension and its incongruous relationship with the main house.
9. The CACA's assessment of the CA's built form notes the significance of the area as chronicling the changing fashions of domestic architecture. Modern extensions providing large open plan living areas are merely the latest expression of such changing fashions. There is, I saw, also a varied range of extensions and outbuildings along the rear of Pakenham Road visible from elevated vantage points at the rear of No.7, ranging from traditional

² Numbers 3 and 4, 5 and 6 and 8 to 11

conservatory-style extensions to the more modern extension at the rear of No. 1³. However, whilst I do not have the full details of those other examples what is proposed in this instance would be an extension of significant scale and with an expanse of flat roof at odds with the prevailing form of those extensions, outriggers, wings and outbuildings visible along the rears of properties on Pakenham Road.

10. For the reasons I have set out, the extension's scale and design would fail to respond positively to the proportions of the host property or the prevailing character and nature of the surrounding built form. As such, it would fail to secure the high design quality sought by Birmingham Development Plan (BDP) policy PG3. The Council's *'Extending your home: home extensions design guide'* Supplementary Planning Document (SPD) identifies a range of principles to consider when extending homes. With regard to rear extensions, it states that all extensions at the back must be designed so that it does not dominate the appearance of the whole house.
11. I appreciate that a single storey extension would not dominate the rear of the house in the same manner that a large two (or more) storey extension might. However, the scale and extent of the extension's floor area when compared with that of the main house and the incongruous expanse of flat roof pockmarked by rooflights, would nevertheless be an incongruous feature at the rear of No. 7. The proposal would therefore also fail to reflect the guidance set out in the SPD as a consequence.
12. The statutory tests in relation to development within the setting of a listed building or within a conservation area are set out at sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), respectively. The Council conclude that the proposal would result in less than substantial harm to the setting of the adjacent listed buildings and to the character of the CA. The National Planning Policy Framework (the Framework)⁴ states that where less substantial harm would arise, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. I have, for reasons set out above, concluded that the proposed extension would be of a scale and design which would relate poorly to the host building and would dominate the rear of the property by virtue of its sprawling footprint and expanse of flat roof. However, views of the proposed extension would be limited from both public and private vantage points. Although large, the extension would not alter the fundamental character of the CA of large detached or semi-detached residential properties set in large, verdant garden plots, nor would it undermine or erode the diversity of the buildings and their as noted in the CACA. Nor would it cause harm to the setting of the adjacent listed buildings which turn their backs (or flanks) to the proposal with high garden walls and substantial two storey outbuildings (No. 8) or extended elements (No. 6).
14. Thus, despite the harm to the character and appearance of the host building, the proposal would have a neutral effect on the character and appearance of the CA. A neutral effect would avoid harm and preserve the character or appearance of the CA. Nor would the proposal cause harm to the setting of the

³ Figures 12, 13 and 14 of the appellant's Grounds of Appeal

⁴ Paragraph 196

adjacent listed buildings. These factors do not, however, alter my conclusion in terms of the effect of the proposed extension on the character and appearance of the host property.

Living conditions

15. Although the submitted plans demonstrate that the proposal would not breach the Council's 45° code⁵, the second reason for refusal nevertheless cites a substantial reduction in daylight and sunlight to No. 6 as contributing to the overbearing nature of the proposed extension. A sunlight study⁶ seeks to demonstrate that the proposal would not cause additional overshadowing of the rear of No. 6 but the blocky, low-resolution nature of the images makes it difficult to conclude that that would be the case.
16. Saved paragraphs 8.39 to 8.44 of the Birmingham UDP (BUDP) set out the Council's approach to applying the 45° code to house extensions. Its purpose, it is stated, is to ensure that development (both new buildings and extensions) would not seriously affect the outlook or daylight of properties adjoining proposed extensions. Although the appellant's sunlight study is, to my mind, inconclusive due to the low-resolution images provided, the plans nevertheless demonstrate that the proposal would pass the 45° code test. As one of the aims of the 45° code is to avoid serious harm to daylight to adjacent properties as a consequence of extensions, I cannot conclude that the proposal would seriously affect daylight to No. 6.
17. Nor, due to the existing wall that runs between the properties, do I consider that the proposal would cause serious or material harm to the outlook from the rear of No. 6. The additional height of the extension's flank wall would be noticeable above the existing wall's height, but it would not be an entirely new feature at the rear of No. 6, which otherwise enjoys open and lengthy views down its generously long rear garden plot.
18. For these reasons, I conclude that the proposal would not seriously or adversely affect the living conditions of occupiers of No. 6 with regard to daylight / sunlight or outlook. There would be no conflict with BDP policy PG3, BUDP paragraphs 3.14C and 8.39-8.45.

Conclusion

19. Although I have concluded that the proposal would not cause harm to the living conditions of occupiers of No. 6 in terms of daylight / sunlight or outlook, would have a neutral effect on the character or appearance of the Edgbaston Conservation Area and would avoid harm to the setting of the adjacent listed buildings, these factors do not outweigh my conclusions in respect its effect on the character and appearance of the host property. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

⁵ Drwg No: A01500 – P2

⁶ Figure 10, appellant's Grounds of Appeal