
Appeal Decision

Site visit made on 27 May 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2020

Appeal Ref: APP/P4605/D/20/3248478

42 Alexandra Road, Sparkbrook, Birmingham B5 7NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Kareema Kazi against the decision of the Birmingham City Council.
 - The application Ref: Ref: 2019/07635/PA dated 11 September 2019, was refused by notice dated 17 December 2019.
 - The development proposed is described as erection of single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey side and rear extension at 42 Alexandra Road, Sparkbrook, Birmingham B5 7NJ in accordance with the terms of the application, Ref: 2019/07635/PA dated 11 September 2019, and plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 01 Existing Site Plan; 03 Existing Elevational Plan; 04 Rev C Proposed Elevational Plan; 05 Existing Floor Plan; 06 Rev C Proposed Floor Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. Drawing 02 Rev D Proposed Site Plan has not been updated to show the latest, and hereby permitted, proposed extension width of 3.5m to the side of the host building, and is therefore not an approved drawing.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

4. The appeal site comprises an end-of-terrace dwelling within a residential area. The separation gap between the side elevation of the proposed extension and the front elevation of the neighbouring properties at Nos 30, 32, 34 and 36 Alexandra Road would be less than the 12.5m guideline standard set out in the guidance in the Birmingham Places for Living Supplementary Planning Guidance (2001) (SPG) and the Birmingham Extending Your Home Supplementary Planning Document (2007) (SPD).
5. Nevertheless, the following combination of factors would help the proposal to assimilate into its setting without significant impact on outlook from the neighbouring properties: the proposal would be limited to single-storey and partly screened by the site's perimeter wall; the extension would be set against the backdrop of the existing gable end of the host building; and the gap to the main core of the neighbouring buildings would not be substantially less than 12.5m. Taking the above together, I find that the proposal would not adversely affect outlook from the neighbouring properties.
6. The approximately 1.8m high side perimeter wall of the appeal property would prevent significant overlooking towards the neighbouring properties from the two ground-floor side windows of the proposed extension. As such, the proposal would not have an adverse impact on the privacy of occupiers of neighbouring properties. I note neighbours' concern about the proposed development's effect on light to the row of properties to the north-east. However, given the single-storey profile of the proposed extension, and the space comprising the footpath and neighbouring front gardens between the proposal and neighbouring houses, significant shading of and reduction in daylight to the latter is not likely. Moreover, the Council considers that the proposal satisfies the 45 degree test in respect of impact on outlook and daylight, and I accept this assessment.
7. In conclusion, the proposal would not harm the living conditions of neighbouring occupiers. As such, it would not conflict with Policies PG3 and TP27 of the Birmingham Development Plan (2017) (BDP), and saved Paragraph 3.14C of the Birmingham Unitary Development Plan (2005). The proposal would also not conflict with Main Principle 3 of the SPG in respect of privacy and Main Principle Two of the SPD. Together, the policies and guidance seek to ensure that development safeguards the living conditions of residents.

Conditions

8. The conditions suggested by the Council have been considered against the tests of the National Planning Policy Framework and advice provided by Planning Practice Guidance. They are reasonable and necessary in the circumstances of this case. In addition to the commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, to provide certainty. A condition covering materials is necessary to safeguard the character and appearance of the area.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

William Cooper INSPECTOR