
Appeal Decision

Site visit made on 3rd June 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/P4605/D/20/3244889
149A Baldwins Lane, Birmingham B28 0PY

- 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 Simon Sharp (Dilworth Design) against the decision of Birmingham City Council.
 - The application Ref 2019/08130/PA, dated 30 September 2019, was refused by notice dated 17 December 2019.
 - The development proposed is a first floor extension over existing single storey to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing single storey to rear at 149A Baldwins Lane, Birmingham B28 0PY in accordance with the terms of the application, Ref 2019/08130/PA, dated 30 September 2019, subject to the following conditions:
 - 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 plan: 190850/2A Revision A.

Main Issue

2. The main issue is the impact of the proposed development upon the living conditions of the occupiers of 151 Baldwins Lane, with particular reference to outlook and light.

Reasons

3. The presence of the existing ground floor extension to the appeal dwelling and the existing ground floor extension to No 151, have already diminished the outlook and light levels to the nearest ground floor window on the rear elevation of No 151. In this context, the addition of the proposed first floor extension above the existing ground floor extension would not have a harmful impact upon the ground floor window of No 151 in question, with respect to both its outlook and the light levels that it receives.
4. The eaves height of the appeal dwelling sits at a similar height to the level of the cill to the nearest first floor window on the rear elevation of No 151. This means that the view of the proposed extension taken from the first floor window of No 151 would predominantly be of its hipped roof, which pitches away from the common boundary, and not its side elevation wall. For this

reason, neither the outlook from the window nor the level of light reaching it would be harmed as a result of the proposed first floor extension.

5. I therefore conclude that no harm would arise to the living conditions of the occupiers of No 151 as a result of the proposed development and that there would be no conflict with Policy PG3 of the Birmingham Unitary Development Plan 2005 (UDP). Whilst the proposal does not comply with the 45 degree code set out and referred to in Saved Paragraphs 3.14C and 8.39-8.43 of the UDP, the 45 Degree Code 2006, the Extending Your Home Supplementary Planning Document 2007 and the Places For Living Supplementary Planning Guidance 2001, I have identified clear circumstances which mean that no harm would be caused. The proposal would not conflict with the objectives of the National Planning Policy Framework.

Conditions

6. Conditions requiring the commencement of development within 3 years and compliance with the approved plan are necessary to provide certainty. The plan submitted denotes the external facing materials to be used and these are appropriate. It is not therefore necessary to impose a separate condition addressing this matter.

Conclusion

7. For the reasons given above, I conclude that the appeal, subject to conditions, should be allowed.

Graham Wright

INSPECTOR