



Appeal Decision

Site visit made on 29 June 2020

by Thomas Shields MA DipURP MRTPI

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

Decision date: 14 July 2020

Appeal Ref: APP/P4605/C/20/3246236

67 Monmouth Drive, Sutton Coldfield, Birmingham, B73 6JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (hereafter "the Act").
 - The appeal is made by Mr Ralph Simmons against an enforcement notice issued by the Birmingham City Council.
 - The enforcement notice was issued on 9 January 2020.
 - The breach of planning control as alleged in the notice is, without planning permission, the installation of two front roof dormers in the approximate position marked in green on the attached plan.
 - The requirements of the notice are to remove the two front dormers and restore the roof to the condition it was prior to this development taking place.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Main Issue

2. An appeal on ground (a) is that planning permission ought to be granted for the two dormer windows subject of the enforcement notice. The main issue in the appeal is the effect of the dormer windows on the character and appearance of the host dwelling and the area.

Reasons

3. The prevailing character and appearance of Monmouth Drive comprises the parkland setting of Sutton Park on one side, overlooked on the other side by mainly two storey detached dwellings and bungalows which sit set well back from the road behind large frontages. While there are some trees along the Park boundary, within front gardens, and some dotted along the highway verge, the street scene vistas in both directions provide generally open views of properties, particularly those which are of a substantial size and height including the appeal property at No. 67. In terms of roof forms most of the relatively few dormer windows in the street scene, including all those referred to by the appellant, are not prominent or conspicuous due to them being at first floor level within cat-slide roofs or as additions to bungalows. As such, there are very few dormer windows at high level.

4. The two dormers inserted into the front roof slope at No. 67 are at a high position above first floor level and are in themselves significant features within the property's roof slope. Their size and overly prominent presence does not sit well with the architectural character of the host dwelling. Moreover, they are noticeably incongruent in the street scene being at odds with the prevailing pattern of development in the area previously described.
5. Taking account of all of these factors I find on balance that they result in significant harm to the character and appearance of the dwelling house and to the wider area. I have considered whether the imposition of planning conditions would adequately mitigate the harm I have identified but find that there are none that would do so.
6. For these reasons I conclude that the dormers result in significant harm to the character and appearance of the area in conflict with Policy PG3 of the Birmingham Development Plan (2017), paragraphs 3.14C-D of the Birmingham Unitary Development Plan (2005) and paragraph 130 of the National Planning Policy Framework (2019) which, taken together, seek to avoid development which is of poor design and does not respect the character and appearance of the area.
7. The appeal on ground (a) therefore fails.

Thomas Shields

INSPECTOR