
Appeal Decision

Site visit made on 6 July 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/P4605/D/20/3244372
29 Elmfield Crescent, Birmingham B13 9TL

- 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 Martin Lawrence against the decision of Birmingham City Council.
 - The application Ref 2019/07012/PA, dated 18 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is erection of single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side and rear extension at 29 Elmfield Crescent, Birmingham B13 9TL in accordance with the terms of the application, 2019/07012/PA, dated 18 August 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 plans: 2019-11-04 Location and Site Plans; 2019-11-02 Proposed Plans and Elevations.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials as detailed on the application form.

Preliminary Matters

2. For clarity and precision, I have amended the description of development from the application form to match that of the decision notice. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of the residents of 31 Elmfield Crescent, with particular regard to loss of outlook and light; and
 - The character and appearance of the area.

Reasons

Living conditions

4. The Council's first reason for refusal relates to the scheme failing to comply with their 45 Degree Code Guide (the Guide). The Guide is used by the Council to assess new buildings and extensions to existing properties, to determine whether they affect the outlook from, or light to a nearby house or flat. From the information before me, it would now appear that, following the decision on the appeal application, the Council have reviewed the appeal drawings and now consider that the appeal scheme does not contravene the Guide. Having reviewed the proposal against the Guide, I agree with this position. Having regard to the wider evidence I have found no other reason to believe that the appeal development would have any significant effect on the outlook or light to No 31.
5. It would not, therefore, harm the living conditions of neighbouring residents and, in this respect, accords with Policy PG3 of the Birmingham Development Plan 2017 (BDP), saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham Unitary Development Plan 2005 (BUDP) and the National Planning Policy Framework (The Framework). These Policies amongst other things, seek to ensure development proposals do not seriously affect the outlook or daylight of surrounding properties.

Character and appearance

6. The appeal property is a two-storey detached house. The style of the surrounding dwellings varies along the street scene, with views into the rear gardens restricted by their presence. Dwellings are set within relatively large plots, with a number having been extended over the years.
7. Due to its location to the rear and the screening effect of the appeal property and those around it, the proposed development would not be discernible within the street scene when viewed from the public domain.
8. Policy PG3 of the BDP requires proposals to deliver the highest quality design which reflects and responds to its local context. Therefore, despite not being visible from the street, to accord with this Policy, the design of the extension must be of the highest quality.
9. The proposed extension would be of a modern design and provide a substantial addition to the existing dwelling. Whilst it would increase the overall bulk of the building, the scale of the additions would be subordinate to the host dwelling and relative to other buildings in the vicinity. The design draws inspiration from the existing house in terms of its finished materials. Given the surrounding mix of house design, type and size, the design and appearance of the proposed additions would not be out of context. Furthermore, the appeal property would still retain a reasonably sized garden in keeping with the wider area.
10. For the above reasons, I therefore conclude that the proposed development would have no significant effect on the character and appearance of the area and, in this respect, is in accordance with Policy PG3 of the BDP, saved Paragraphs 3.14C-D of the BUDP 2005 and The Framework. These Policies amongst other things, seek to ensure development proposals demonstrate a high quality of design.

Conclusion

11. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR