



Appeal Decision

Site visit made on 3 August 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2020

Appeal Ref: APP/P4605/W/20/3249325

165 Dawlish Road, Birmingham B29 7AH

- 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 Sandeep Krishan (Flare Homes Ltd) against the decision of Birmingham City Council.
 - The application Ref 2019/10106/PA, dated 6 December 2019, was refused by notice dated 7 February 2020.
 - The development proposed is single storey rear extension, first floor rear extension, second floor loft extension, new externally insulated render and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above is different to that on the Council's decision notice. As neither of the main parties have confirmed that a revised description has been agreed I have used the one from the application form.

Main Issues

3. The main issues are (i) the effect on the character and appearance of the host property and the area and (ii) the effect on the living conditions of the occupiers of 163 Dawlish Road (No 163) in respect of outlook and light.

Reasons

Character and appearance

4. The appeal property is a traditional terraced house with a part 2 storey, part single storey projection to the rear. Houses in the area are similar in age and form and although many have been altered, most rear projections visible from the site have pitched roofs.
5. The flat roof to the proposed ground floor extension would contrast sharply with the pitched roofs of the 2 storey rear wing and the adjoining projection to the rear of 167 Dawlish Road. The flat roof would lie across the whole width of the plot and would introduce a distinct horizontal emphasis at odds with the more traditional vertical emphasis apparent on the appeal property and neighbouring houses. The proposal would not be seen from the street but its incongruous roof form would be visible from the rear of nearby properties and it would be seen with adjacent houses. Therefore, the flat roof extension would

be out of keeping with the appearance and character of the area as well as the host property.

6. The use of high quality materials would not address the incongruity of the extension. The proposal would retain a large back garden area and would include minor improvements to the front of the house but these factors would not override the harm identified above.
7. As such, I conclude the proposal would cause harm to the character and appearance of the host property and to the area in general. Consequently, in this regard, it would be contrary to policy PG3 of the Birmingham Development Plan 2017 (BDP), the Council's Extending Your Home, Home Extensions Design Guide Supplementary Planning Document 2007 (SPD), saved policies 3.14C and 3.14D of the Birmingham Unitary Development Plan 2005 (BUDP) as well as the National Planning Policy Framework (the Framework). These all aim, amongst other things, to ensure development respects and responds to local area context and character.

Living conditions

8. In relation to No 163's kitchen windows, the proposed ground floor extension would not comply with the Council's 45° Code for House Extensions (45° Code) as set out in BUDP policies 8.39 to 8.43 and the SPD. However, the extension would be only slightly closer to No 163 compared to the existing single storey rear wing and would have a flat roof with similar eaves height rather than a pitched roof. As such, the ground floor extension would not lead to any meaningful loss of light to No 163 or loss of outlook from its kitchen windows.
9. The proposed first floor extension to the side of the existing wing would be close to and would project beyond No 163's bedroom window but it would accord with the 45° Code. The first floor extension to the end of the wing would not comply with the 45° Code in relation to the bedroom window but it would be set off the boundary and would only slightly increase the length of the projection. As such, the proposed first floor extensions would not lead to any significant loss of light or outlook in respect of No 163.
10. Consequently, I conclude the proposal would not have a harmful effect on the living conditions of the occupiers of No 163 in respect of outlook and light. In this regard, it would be in accordance with BDP policy PG3, the Council's Places for Living Supplementary Planning Guidance 2001 and the Framework. These all aim, amongst other things, to ensure development provides a high standard of amenity for occupiers of property. Elements of the proposal would be contrary to the 45° Code. However, the considerations set out above are of sufficient strength to collectively outweigh any non-compliance in this regard with the SPD and BUDP policies 3.14C and 8.39 to 8.43

Other Matters

11. The proposal would be acceptable in terms of highways and parking, trees and biodiversity, impact on heritage assets, drainage and flood risk. Acceptability in these regards is a neutral factor in my assessment.
12. No details have been provided of any alternative scheme that could be built under permitted development rights that would have a similar or worse effect than the proposal on the character and appearance of the property and area.

As such, the fallback position provided by permitted development rights attracts little weight in my assessment.

13. The proposal would improve the thermal efficiency and internal layout of the property as well as encourage greater use of the back garden. However, such benefits would not be reliant on the appeal proposal and so are attributed limited weight.
14. The points made in support of the appeal are noted but these do not either singly or in combination lead me away from my conclusion. Overall, the benefits of the proposal would be limited and insufficient to outweigh the harm that would be caused in respect of the first main issue.

Conclusion

15. The proposal would cause no harm to the living conditions of occupiers of No 163 and the Council raise no objections to the second floor loft extension and rendering elements of the proposal. However, the proposed ground floor extension would harm the character and appearance of the host property and the area in general. This harm is the overriding consideration. The proposal would conflict with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.
16. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR