The Planning Inspectorate

Appeal Decision

Site visit made on 17 August 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/P4605/W/20/3252504
277 Tiverton Road, Birmingham B29 6DB

- 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 A Green against the decision of Birmingham City Council.
- The application Ref 2020/01882/PA, dated 11 February 2020, was refused by notice dated 1 May 2020.
- The development proposed is conversion of existing garage to form 1 x 1 bedroom accessible annex with improved landscaping and blocking up of existing access.

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage to form 1 x 1 bedroom accessible annex with improved landscaping and blocking up of existing access at 277 Tiverton Road, Birmingham B29 6DB in accordance with the terms of the application, Ref 2020/01882/PA, dated 11 February 2020, 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: Drawing No. 2737 INC-SA[20]0003 revision P05, Drawing No. 2737 INC-MA[20]0001 revision P03, Drawing No. 2737 INC-MA[21]0001 revision P00 and Drawing No. 2737 INC-SA[20]0004 revision P01.

    3) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 277 Tiverton Road and shall not be used as a separate dwelling.

    4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing garage and house at 277 Tiverton Road.

    5) The cycle storage facilities as shown on the approved drawings shall be installed prior to the first occupation of the annex hereby approved and shall thereafter be retained.

Procedural Matter

2. On my visit I saw works being carried out at the appeal property although these were restricted to alterations to the house and did not affect the garage

or garden. As such, my determination is made on the basis that the appeal proposal has not commenced.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal property lies in a residential street characterised by traditional terraced houses close to and facing the road. The appeal site is unusual in that it includes a gap with the neighbouring property that provides an external access to the rear with views from the street of the garage in the back garden.

5. The proposal would only have a localised visual effect as views from the street would be limited given the narrowness of the access and screening effect of the adjoining houses. Also, it would only be seen from the upper floor windows of nearby properties as boundary walls would largely screen the proposal from ground level. The annex would be similar in terms of its detached form and its scale to the existing building and it would remain subservient in terms of height and general size to the main house.

6. The development would introduce habitable accommodation behind the terraces of housing and the Council claim that detached buildings in back gardens are uncommon features in the area. However, the proposal would involve the alteration of the existing garage rather than the erection of a new building and so the annex would be as compatible with the character of the area as the existing situation. The annex's use as living accommodation rather than a garage would not be widely evident and in any event would be appropriate given the residential nature of the area.

7. Paragraph 70 of the National Planning Policy Framework (the Framework) states that consideration should be given to policies that resist inappropriate development of residential gardens. However, no development plan policy has been referred to that specifically precludes ancillary living accommodation in back gardens. Given the similarities between the existing garage and proposed building in terms of positioning and size, the development would not be incongruous or inappropriate.

8. The Council refer to development to the rear of 269b Dawlish Road in support of the case that back-land residential development is out of character with the area. However, this scheme is significantly larger and different in appearance to the appeal proposal and so fails to influence my views on this main issue.

9. For the above reasons, I conclude the proposal would not harm the character or appearance of the area. As such, it would comply with policy PG3 of the Birmingham Development Plan 2017, the Council's Extending Your Home - Home Extensions Design Guide Supplementary Planning Document 2007 and the Framework. These all aim, amongst other things, to ensure development reinforces local distinctiveness with a design that responds to site conditions.

Other Matters

10. The Council is concerned that the development would set a precedent for similar proposals if allowed and gardens in the area appear to be capable of accommodating similar sized annexes. However, the proposal is unusual as it

would involve the alteration of an existing garage rather than the erection of a brand new building. In any event, there is no substantive evidence before me that suggests further development similar to the proposal would significantly undermine the character of the area.

11. Also, the Council refer to the over-intensive use of the site. However, it is accepted that an appropriate amount of outdoor space would be provided to serve the occupiers of the main house and the proposed annex. No other specific concern has been raised in respect of the level of use of the site and so the proposal would be acceptable in this regard.

Conditions

12. I have considered the planning conditions forwarded by the Council having regard to the tests set out in the Framework. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision.

13. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. I have considered the proposal on the basis it would be an annex to the appeal property and I have insufficient information to conclude the proposal would be acceptable as a separate dwelling. As such, there is clear justification to impose a condition specifying the development be used solely as an annex to 277 Tiverton Road. I am satisfied such a condition is an appropriate mechanism to prevent the annex from being used as a separate living unit.

14. A condition requiring external materials to match those on the existing garage and house is necessary to ensure a satisfactory appearance. Also, to encourage sustainable modes of travel to and from the development, a condition is imposed requiring the provision of the proposed cycle parking facilities.

15. However, the acceptability of the proposal is not dependent upon the provision of new boundary treatment or the proposed landscape works. Also, it is unclear why the reinstatement of the redundant footway crossing is required to make the scheme acceptable. As such the suggested conditions relating to these issues are not imposed.

Conclusion

16. For these reasons, I conclude the appeal should be allowed as set out in the formal decision above.

Jonathan Edwards

INSPECTOR