
Appeal Decisions

Site visit made on 21 July 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/P4605/D/20/3247254

144 Dormington Road, Birmingham B44 9LD

- 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 C Worrod against the decision of Birmingham City Council.
 - The application Ref 2019/08005/PA, dated 8 October 2019, was refused by notice dated 14 January 2020.
 - The development proposed is a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the living conditions of the occupiers of 142 and 146 Dormington Road having particular regard to outlook and resultant light levels.

Reasons

3. The Council's 'Places for Living' Supplementary Planning Guidance (SPG) 2001 seeks to protect the amenity of existing residents from the effects of new development. The SPG seeks compliance with a '45-degree code' as one of its requirements.
4. Saved Paragraphs 8.39-8.43 of the Birmingham Unitary Development Plan (UDP) (2005) and the Council's '45 Degree Code for House Extensions (2006)' document provide further technical details in line with the SPG, with the aim to protect the outlook and daylight levels enjoyed by occupiers of existing properties. The Paragraphs and document combined state that new building work should not cross a 45-degree line from the nearest window affected by the development.
5. Both parties agree the 45-degree line technical guidance would be breached. The development would contravene the 45-degree code line taken horizontally from the neighbouring habitable first-floor windows to the rear of 142 and 146 either side of the host dwelling. As well as a ground floor rear window of 146 which is covered over by a conservatory with a high degree of glazing.
6. I note that the appellant has submitted a 'Skylight and Sunlight Assessment Report (reference DR/2001/R001)' which concludes that the development would not have an adverse impact on the existing light levels received by the

neighbouring windows. The appellant also refers to the British Standard recommendations in relation to lighting for buildings as part of his case. Considering those factors, I accept that the impact to resultant light levels of neighbouring habitable rooms would be limited because of the depth of the extension and its height being lower than the full height of the house.

7. Nevertheless, the proposed extension would span most of the rear elevation of the host dwelling. It would be situated very close to neighbouring shared boundaries and be viewed in the context of the modest proportions of the host dwelling and the properties either side. The mass and bulk of the extension would be a noticeable change to the existing outlook enjoyed from the neighbouring windows closest to it. The extension would be visible as an intrusive built feature when viewed from the windows as well as from adjoining rear garden areas. The effect would be oppressive.
8. Whilst I accept that the resultant impact to light levels received by neighbouring windows would not be significantly affected, the impact to neighbouring outlook would still be eroded from by an unacceptable degree because of the oppressive impact of the extension.
9. Therefore, I conclude that the development would be harmful to the living conditions of the occupiers of 142 and 146 Dormington Road having regard to outlook and resultant light levels. The development would conflict with Policy PG3 of the Birmingham Development Plan 2017 which encourages sustainable design, it would conflict with Paragraphs 3.14C and 8.39-8.43 of the Birmingham Unitary Development Plan (2005), the '45 Degree Code for House Extensions (2006)' document, and the 'Places for Living' SPG (2001) and 'Extending Your Home, Home Extensions Design Guide' Supplementary Planning Document (2007) which all aim to protect the amenity of existing residents from the effects of new development. It would also conflict with Paragraph 127 (f) of the National Planning Policy Framework which supports high standards of amenity.

Conclusion

10. For the reasons given above the appeal is dismissed.

M Shrigley

INSPECTOR