
Appeal Decision

Site visit made on 21 July 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Appeal Ref: APP/P4605/D/20/3246846

15 West Drive, Handsworth, Birmingham B20 3ST

- 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 Anwar Hussain against the decision of Birmingham City Council.
 - The application Ref 2019/06992/PA, dated 15 August 2019, was refused by notice dated 5 December 2019.
 - The development proposed is for the erection of two-storey rear and roof alterations to include balustrade to flat roof of out building and external steps to side.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of two storey rear and roof alterations to flat roof of outbuilding and external steps to side at 15 West Drive, Handsworth, Birmingham B20 3ST in accordance with the terms of application, Ref 2019/06992/PA, dated 15 August 2019.

Application for costs

2. An application for costs was made by Mr Anwar against Birmingham City Council. That application is subject to a separate Decision.

Procedural Matters

3. At my site visit I could see that the development has been constructed and is substantially complete and is the same as that shown on the submitted plans subject to appeal. The Council's objection to the development relates only to the balcony part of the development therefore my decision focuses on that aspect.

Main Issue

4. The effect of the balcony on the living conditions of the occupiers of no.23 West Drive with regard to privacy.

Reasons

5. The Council refer to the minimum separation standards contained within 'Extending Your Home' Supplementary Planning Guidance 2007 (SPG) and 'Places for Living' Supplementary Planning Document 2001 (SPD) for seeking a 10m separation distance between the balcony and the boundary shared with no.23. Based on the Council's measurements, the balcony is presently 8.8m

away from the shared boundary. I accept that the SPG is a useful indicator of reasonable interface distances. However, the recommended distance referred to is not directly applicable to balconies. Therefore, it is the site-specific effects of the balcony which are central to my decision rather than the separation distance mentioned within the SPG/SPD.

6. The balcony area significantly narrows on the side closest to no.23, which occupies a significantly lower land level. Because of the narrowness of the balcony hardstanding, on that side, it is unlikely occupants of the host dwelling would use the narrowed area for long periods of time. In any event, the opaque privacy screen erected as detailed in the plans restricts views to the side.
7. The larger component of the balcony hardstanding which is capable of being used as a seating area or accommodating a gathering of people is set further away from the boundary shared with no.23. As a result, possible standing or sitting views over the neighbouring garden are diminished because of the obliqueness of the angle involved and a tall intervening boundary wall between the two properties. The external staircase leading to the balcony area is positioned against the opposite neighbouring boundary with a similar diminished oblique viewing angle to neighbouring garden land evident when stood at the top of the structure.
8. Furthermore, it is possible for occupiers of the host property to view neighbouring rear first-floor windows from the garden. That existing situation is not exacerbated by the position of the balcony.
9. Therefore, I conclude that the development would not be harmful to the living conditions of the occupiers of no.23 West Drive. The development would comply with Policies PG3 and TP27 of the Birmingham Development Plan (2017) which encourages sustainable design, it would comply with Paragraphs 3.14C of the Birmingham Unitary Development Plan (2005), 'Places for Living' SPG and 'Extending Your Home' SPD which all seek that new extensions do not adversely affect neighbouring privacy or amenity. It would also not 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 allowed.

M Shrigley

INSPECTOR