The Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/P4605/D/20/3257576
40 Church Hill Road, Handsworth, Birmingham B20 3TR

- 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 Harbans Lal against the decision of Birmingham City Council.
- The application Ref 2020/03908/PA, dated 17 May 2020, was refused by notice dated 23 July 2020.
- The development proposed is single storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of occupiers of 38 and 42 Church Hill Road (No 38 and No 42) in respect of outlook and light.

Reasons

3. The extension would be on the boundary and so would be clearly seen from No 38's rear windows and back garden. Despite its flat roof the extension would be noticeably taller than the existing boundary fence. The existing rear extension to the appeal property already contravenes the Council's 45° code in respect of No 38's closest window. However, the proposal would increase the projection to the rear and so would cause greater intrusion to the neighbouring property than the existing situation. No objection has been raised by the occupiers of No 38 but even so the proposal by reason of its size and proximity would reduce the outlook from this neighbouring property and would cause additional overshadowing.

4. The proposal would be set off the boundary with No 42 and nearby sheds already affect light to and outlook from its closest rear window. As such, the extension would have an inconsequential effect on No 42.

5. For these reasons, I conclude the extension would harm the living conditions of occupiers of No 38 through a loss of outlook and light, although it would cause no such harm in respect of No 42. Overall, and in this regard, the proposal would be contrary to policy PG3 of the Birmingham Development Plan 2017, saved paragraphs 3.14C-D of the Birmingham Unitary Development Plan 2005 as well as the Council's Places for Living Supplementary Planning Guidance 2001 and Extending Your Home Supplementary Planning Document 2007. These all aim, amongst other things, to create high standards of living conditions for occupiers of property.

Other Matters and Conclusion

6. The extension would be in keeping with the appeal property in terms of its width and materials and the back garden is clearly large enough to accommodate the proposal without appearing cramped. However, acceptability in these regards fails to address or override the identified harm and discord with the development plan policies. Therefore, the appeal does not succeed.

Jonathan Edwards

INSPECTOR