



Appeal Decision

Site Visit made on 13 October 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/P4605/D/20/3257782

10 Dawney Drive, Sutton Coldfield, B75 5JA

- 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 Sam Chim against the decision of Birmingham City Council.
 - The application Ref 2020/04523/PA, dated 16 June 2020, was refused by notice dated 7 August 2020.
 - The development proposed is single storey front extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single storey front extensions at 10 Dawney Drive, Sutton Coldfield, B75 5JA in accordance with the terms of the application, Ref 2020/04523/PA, dated 16 June 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: DWG 3B and DWG 4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the host dwelling and the street scene; and,
 - The living conditions of the neighbouring occupiers at No 8 Dawney Drive, with regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is on the south side of Dawney Drive, a cul-de-sac. The main portion of the street is characterised by dwellings which appear to have once been uniform but have since been altered and extended. Each has a single-storey forward projection with a garage and either an open or enclosed porch. The end of the cul-de-sac is characterised by a group of later dwellings which are not uniform in their appearance. I noted from my site visit that the front projection at No 12 extends across the majority of the width of the front garden.
5. The proposed extension, while large, would maintain the depth of the existing forward projection and by way of its height and size would not be out of scale with the host dwelling. As the proposal would not extend forward of the existing projection, which in itself is set back from the pavement, I find it would not be overly dominant within the street scene. The design and form of the extension would also be in keeping with the simple appearance of the host dwelling, and although the shallow and hipped roof is not typical of the host dwelling or streetscene, I find it would not jar with the character and appearance of either. Moreover, although all proposals must be considered on its own merit, I am mindful of the extension at No 12 in the context of which the proposal would be read.
6. In light of the above, I conclude that the proposed front extension would respect the character and appearance of the host dwelling and the street scene. As such it would comply with Policy PG3 of the Birmingham Plan 2031: Birmingham Development Plan (BDP) and Paragraph 3.14C-D of The Birmingham Plan: Birmingham Unitary Development Plan (BUDP). These policies, amongst other matters, seek development to reinforce a positive sense of place and local distinctiveness, in line with the supplementary guidance. The proposal would also comply with the guidance on front extensions set out in the Extending your Home (EyH) supplementary planning document, as well as the high-quality design aims of Paragraph 127 of the National Planning Policy Framework (the Framework).

Living Conditions

7. Adjacent to the appeal site is No 8 Dawney Drive, which has a front projection similar to that at the appeal site. The closest ground floor window to the appeal site is on the main front elevation, adjacent to the front projection. From the information before me and my site visit, it appears to be the only window serving, what is, a habitable room. It is orientated north and at the time of my visit was overshadowed by the rest of the house. However, it would likely be afforded a wide and open outlook across the front garden.
8. The proposed extension would extend towards the window at No 8, along the shared boundary. I note from the appellant's plans that the extension would breach a 45° line from the nearest window, both parties agree on this issue.

9. Although the test set out in the 45 Degree Code would fail, the 45° line would only cross the building just before the front corner of the proposed extension. Mindful of this, and as the affected window is on the north elevation, I find that there would be only a very limited impact on the light to the window. The low height of the proposed extension and the limited degree to which it fails the test would mean a good level of ambient light would still be received by the window.
10. Moreover, the long direct views across the garden and towards the opposite side of the road would still be afforded to the window at No 8, and there would be only a very limited reduction in the width of the available outlook as a result of the new side wall. Given the position and height of the proposed extension, it would not form an intrusive or dominant feature in the outlook from the front room of No 8, and the extension would be unlikely to make this room less pleasant to spend time in.
11. I therefore conclude that the proposal would not have a harmful effect upon the existing living conditions enjoyed by occupiers of No 8 Dawney Drive. Accordingly, the proposal complies with the high quality design aims of BDP Policy PG3 and the aims of Paragraphs 3.14C and 8.39-43 of the BUDP which seek for a reasonable balance to be achieved between those wanting to develop and the interests of the occupiers of adjoining residential accommodation, amongst other matters. The proposal would also comply with the guidance on living conditions as set out in the EyH and Places for Living supplementary planning guidance, and the high standard amenity aims of Paragraph 127(f) of the Framework.

Conditions

12. The Council has suggested conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
13. I find that to ensure clarity, a condition is necessary requiring that the development is carried out in accordance with the approved plans. Due to its siting at the front of the property, a condition is necessary requiring the external materials match those on the existing dwelling.

Recommendation

14. For the reasons given above I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

RC Kirby

INSPECTOR