



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/20/3255536

9 Buckton Close, Sutton Coldfield, B75 5TF

- 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. & Mrs. L. Kennedy against the decision of Birmingham City Council.
 - The application Ref 2020/01792/PA, dated 9 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is Dormer Loft Conversion.
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Decision

1. The appeal is dismissed.

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:
 - 1) The character and appearance of the host dwelling and surrounding area; and
 - 2) The living conditions of neighbouring occupiers with regard to privacy.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is on the south side, at the end, of a spur off Buckton Close. It contains a two-storey detached dwelling with a hipped roof. The site is within a residential estate characterised by a repeating pattern of various house styles. The roofs are also varied and include hipped, half-hipped and gabled forms. The proposal would convert the existing hipped roof to gable ends and erect a large rear dormer.
 5. Mindful of the various roof styles in the surrounding area, I find that the proposed hip-to-gable conversion would not result in a feature which is jarring or out of keeping with the character and appearance of the street scene. While it would result in a significant change to the appearance of the host dwelling this would not in itself be harmful, and the roof form and proportions would be sympathetic to the host dwelling.
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6. However, from my site visit I did not see any box-dormers in the surrounding area, whether on front or rear roof elevations. Given the size and form of the dormer, and its scale, I consider that it would almost obscure the existing rear roof slope and introduce a bulky, intrusive and incongruous addition in to the roof which would be harmful to the appearance of the host property. It would also introduce an alien roof form into the locality which would be out of keeping with the traditional roof forms of the surrounding area. The vegetation along Buckton Close is outside of the appellant's control and cannot therefore be relied upon to screen the proposal.
7. In conclusion the proposed rear dormer, by way of its design and scale, would harm the character and appearance of the host dwelling and surrounding area, in conflict with Policy PG3 of the Birmingham Plan 2031: Birmingham Development Plan (BDP) and Paragraphs 3.14C-D of The Birmingham Plan: Birmingham Unitary Development Plan (BUDP), which seek, amongst other matters, for development to reinforce a positive sense of place and local distinctiveness. The proposal would also conflict with 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

8. The appeal site has a relatively shallow garden and as a result the rear elevation of the host dwelling is close to the opposing neighbour's garden No 1 Blaydon Avenue. I noted from my visit that the neighbour also has a rear extension with windows facing towards the appeal site. Both parties have agreed that the proposed dormer windows would not meet the required 15m separation distance between a second floor window and a neighbour's private amenity space, as set out in the Council's Places for Living (PfL) supplementary planning guidance.
9. The dormer windows would allow views of the majority of this neighbour's garden from a higher angle, reducing the effectiveness of the existing boundary treatment as a screen. As such the level of overlooking would be worse than from the existing first floor windows. Given how close the proposed dormer would be to the rear garden of No 1, I find that it would cause an unacceptable loss of privacy to its occupiers when using this outdoor space. As a result this garden would be unlikely to be a pleasant or private place for the neighbouring occupiers to use.
10. The appellant has referred to obscure glazing the rear windows on the dormer and only keeping the two proposed front roof lights clear glazed. However, whilst this may prevent a loss of privacy to the neighbouring occupiers when the windows were closed, it would not prevent overlooking when the windows were open. To require the windows to be fixed closed would not be reasonable given the intended use of the rooms. Moreover, the use of obscure glazing to the proposed bedroom would be likely to result in a poor standard of living accommodation to the occupiers of the host dwelling.
11. In light of the above, I conclude that the proposal would result in harm to the living conditions of neighbouring occupiers at No 1 Blaydon Avenue, in conflict with the high quality design aims of BDP Policy PG3, and Paragraph 3.14C of the BUDP which requires that developments comply with the relevant supplementary planning guidance and documents, including the PfL and the

EyH. The guidance contained within these includes, amongst other things, the minimum distance of separation between properties, to protect the living conditions of neighbours. The proposal would also conflict with the high standard of amenity aims of Paragraph 127(f) of the Framework.

12. While the Council have referred to Policy TP27 of the BDP I find it is not directly relevant to this case.

Recommendation

13. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR