



Appeal Decision

Site visit made on 6 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: 13 November 2020

Appeal Ref: APP/P4605/D/20/3254421

5 Lyneham Gardens, Sutton Coldfield B76 1XH

- 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 William Bryan against the decision of Birmingham City Council.
 - The application Ref 2020/02682/PA, dated 2 April 2020, was refused by notice dated 9 June 2020.
 - The development proposed is a two storey side extension.
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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 Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the neighbouring occupiers at No 184 Walmley Ash Road, with particular regard to outlook and light.

Reasons for the Recommendation

4. The proposed first floor extension would take the side, two storey wall of the host property closer to the party boundary with No 184. It would result in a tall, imposing structure running close to the rear extension of this property from where it would appear as a dominant and overbearing feature. As a consequence, the presence of the extension would make the living accommodation within the extension less pleasant to use. The presence of rooflights and side glazed doors in the extension to No 184 would not compensate for the harm that would be caused to the occupiers' outlook by the proposal.
5. The extension would be located in a westerly direction to the rear of No 184. It is likely that the host dwelling casts some shadow over the rear of No 184 in the late afternoon, given its orientation relative to it. The new extension, whilst increasing the bulk of the property would be unlikely to have a discernible effect upon the amount of light or sunlight that No 184 receives, and in the

absence of substantive evidence to demonstrate otherwise, I find that the proposal does not fall on this matter.

6. In light of the above I conclude that the proposed extension would be harmful to the living conditions of the occupiers of No 184 Walmley Ash Road as a result of loss of outlook. The proposal is therefore contrary to saved Paragraph 3.14c of the Birmingham Plan: Birmingham Unitary Development Plan which requires development to follow the guidance contained in the Places for Living supplementary planning guidance (PfL), amongst other matters, in terms of separation distances between extensions and the rear of neighbouring properties, Policy PG3 of the Birmingham Plan 2031: Birmingham Development Plan (BDP), in terms of high design quality. There is also conflict with the aims of the PfL and Extending your Home supplementary planning document, in terms of the protection of living conditions requirements, and Paragraph 127(f) of the National Planning Policy Framework which sets out that developments should create places with a high standard of amenity for existing and future users.
7. The Council has also referred to BDP Policy TP27 in its decision notice, but I find that this policy is not directly relevant to the matters before me.

Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

9. 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