
Appeal Decision

Site visit made on 11 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2020

Appeal Ref: APP/P4605/W/20/3250005

23 Rookery Road, Selly Oak, Birmingham, B29 7DG

- 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 Sandeep Krishan against the decision of Birmingham City Council.
 - The application Ref 2019/10437/PA, dated 16 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is single storey rear extension, first floor rear extension, new rear dormer window and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the existing house and the surrounding area and;
 - the effect of the proposal on the living conditions of the occupants of no 25 Rookery Road with regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is within a continuous line of houses closely fronting Rookery Lane. There is consistency in the houses through plain tile roofs, white render and height.
4. The front of the appeal building has a bay window and gabled window at first floor eaves level. The proposal would place an additional dormer directly above in the roof. This would result in a front facade almost entirely covered in projections. It would create a very fussy appearance so that the building would be hard to appreciate.
5. There are similar dormers on each of the neighbouring roofs. However, these do not justify the appeal proposal as the collective result would be a

concentrated mass of dormers: as a consequence, the roofs would look out of balance with the walls of the houses.

6. The site is not within a Conservation Area or other character-based designation. However, this does not mean that the design would be acceptable. The front of the site is very prominent from public view and is perceived as part of a frontage. The proposed alteration would appear harmful and would spoil the coherency of Rookery Road.
7. Extensions are also proposed to the rear roofslope, which would add considerable bulk to the roof. However, the neighbouring dwellings also have numerous additions. Moreover, the dormer would not be publicly visible at the rear or from the side at the adjacent St. Edwards Road. Similarly, the proposed ground floor extension would also not be harmful.
8. I therefore conclude that the proposal, due to the front dormer, would be harmful to the character and appearance of the area. Policies PG3 of the Birmingham Development Plan (DP), saved paragraphs 3.14 C and D of the Birmingham UPD (UPD) and Extending Your Home Supplementary Planning Document, which require development to reinforce the existing character and development should be appropriate to the site and surroundings. Paragraphs 124-130 of the National Planning Policy Framework promote design quality in conjunction with the National Design Guide. The proposal would be in conflict with these policies and guidance.

Daylighting and overbearing implications

9. The appeal site has an existing ground floor rear extension and the proposal would increase its width up to the boundary of no 25, the neighbouring property, with a flat roof. The proposal also involves an extension off the rear roofslope which would also project outwards.
10. The ground floor of no 25 has a living room window, which is annotated on the submitted plans. The appeal building currently causes shadowing and a sense of overbearing enclosure to the ground floor however the proposal would increase this impact significantly, thereby undermining their basic living conditions. There would be some loss of light to the first-floor bedroom window of no 25 but this would be limited.
11. I therefore conclude that the proposal would harm the living conditions of no 25 with regard to outlook and light. Policy PG3 of the DP, saved paragraphs 8.39-8.43 of the UDP and Places for Living Supplementary Planning Guidance which require development to respond to site conditions, apply the '45 degree' daylighting rule and respect living conditions. The proposal would be in conflict with these policies and guidance.

Planning balance

12. The Town and Country Planning (General Permitted Development) (England) Order 2015 (and its subsequent amendments) allows permitted development rights for some extensions which are nationally set without harming living conditions. However, this proposal would be beyond those parameters and would be harmful.

13. The proposal would help renovate the property which is in a poor state and would provide needed accommodation. Whilst the proposal would have social and economic benefits these would not outweigh the harm that I have found above.

Conclusion

14. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR