



Appeal Decision

Site visit made on 8 December 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/P4605/D/20/3246351

71 Severne Road, Acocks Green, Birmingham B27 7HJ

- 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 Abdul Haq against the decision of Birmingham City Council.
 - The application Ref 2019/05732/PA, dated 9 July 2019, was refused by notice dated 19 December 2019.
 - The development proposed is erection of a single storey rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear conservatory at 71 Severne Road, Acocks Green, Birmingham B27 7HJ in accordance with the terms of the application, Ref 2019/05732/PA, dated 9 July 2019, 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 approved plans numbered 002 revision E and 003 revision C.
 - 3) The non-glazing materials used in the construction of the external surfaces of the conservatory hereby permitted shall match those used in the existing house.
 - 4) The conservatory hereby permitted shall not be occupied until the windows in the side elevation nearest to 69 Severne Road have been fitted with obscured glazing and no part of those windows that is less than 1.7 metres above the floor of the conservatory shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed. Once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. The description of development in the header and decision above is taken from the application form. The Council's decision notice and the appeal form give a different description although the appellant states that there is no agreement to any change. Accordingly, I have used the original description.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of the adjoining property, 69 Severne Road (No 69) in respect of light and outlook.

Reasons

4. The conservatory would be on the boundary with No 69 and would be taller than the boundary fence. As such, it would be clearly seen from the neighbour's windows and back garden.
5. However, the rear extension to the appeal property already contravenes the Council's 45° code in respect of No 69's closest ground floor window. The proposal would increase the projection to the rear but the upper parts of the walls and the roof of the conservatory would be constructed of glass. This design would allow a similar degree of light to reach No 69 compared to the current situation. Furthermore, even when taking into account the slight difference in levels, the transparency of the upper walls and roof would prevent any severe sense of enclosure or overbearing effect on No 69.
6. Therefore, I conclude the development would not harm the living conditions of occupiers of No 69 in respect of light or outlook. As such, it would accord with 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 ensure proposals respect the surrounding development and avoid adverse impacts on neighbouring properties.

Other Matters

7. The proposed conservatory is a relatively minor structure that would have no meaningful effect on air flows to adjacent properties. There is no indication on the plans that rainwater goods would overhang the boundary and there is no substantive evidence to suggest the proposal would cause drainage problems. As such, these considerations do not override my conclusion on the main issue.

Conditions and Conclusion

8. A condition setting out the approved plans is required for reasons of certainty and to ensure the development is carried out in accordance with the drawings. To achieve a satisfactory appearance, I attach a condition that requires non-glazing external materials to match those on the existing house. To prevent overlooking of No 69 a condition is imposed that requires the side facing windows to be non-opening and obscured glazed.
9. For the above reasons, I conclude the proposal is acceptable and that the appeal should succeed.

Jonathan Edwards

INSPECTOR