



Appeal Decision

Site visit made on 2 December 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/P4605/D/20/3260299

2A Victoria Road, Harborne, Birmingham, West Midlands, B17 0AH

- 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 Wyn Jenkins against the decision of Birmingham City Council.
 - The application Ref 2020/03382/PA, dated 29 April 2020, was refused by notice dated 23 July 2020.
 - The development is roof alterations to include increase in roof height.
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Procedural Matter

1. The description of development incorporated within the planning application forms described the development as a *loft conversion (renewal of previous approval 2013/08526/PA)*. However, in light of the previous planning permission having been granted on 15 November 2013, this permission would have expired some considerable time ago and would not therefore be capable of a formal renewal. In consideration of the details of the development, I find the Council's description of development as set out above to be a more accurate portrayal of the works, and I note would be consistent with the description utilised for the 2013 planning permission.

Decision

2. The appeal is allowed and planning permission is granted for roof alterations to include increase in roof height at 2A Victoria Road, Harborne, Birmingham, West Midlands, B17 0AH in accordance with the terms of the application Ref 2020/03382/PA dated 29 April 2020, and subject to the following conditions:
 1. The development hereby permitted shall be in accordance with the following approved plans:

Site Plan, Sheet E2 – Ground Floor Plan Existing, Sheet E3 – First Floor Plan Existing, Sheet E7A – Rear Elevation Existing, Sheet E8 – Front Elevation Existing, Sheet E9 – Side Elevations Existing, Sheet 2 – Ground Floor Plan Proposed, Sheet 3 – First Floor Plan Proposed, Sheet 6 – Section C:C Proposed, Sheet 7 – Rear Elevation Proposed, Sheet 8B – Front Elevation Proposed, Sheet 9 – Side Elevation (West) Proposed, Sheet 9B – Side Elevation (East) Proposed, Sheet 11 – Loft Plan & Street Elevation (Rev. A).
 2. The materials used for the external surfaces of the extension shall be in accordance with the details as set out on the approved plans.

Main Issues

3. The main issues are;

- The effect of the development on the character and appearance of the dwelling and the area; and,
- whether the development safeguards the living conditions of the neighbouring occupiers, having regard to privacy and light.

Reasons

Character and appearance

4. The appeal site is occupied by a detached 2-storey dwelling dating from the 1960's, which provides a distinct contrast to the predominant Victorian character of the street scene provided by existing semi-detached properties, and the adjacent modern apartment blocks to the east. The existing property has previously been extended in contrasting materials and possesses an asymmetric mono-pitched roof design. The works the subject of this appeal had been significantly progressed at the time of my visit.
5. I accept that the development cannot be formally determined as a renewal of planning permission and the Council is therefore entitled to consider the application afresh. However, the works are identical to those which were approved in November 2013 and the Council has not directed me to any material change to the environmental circumstances in the vicinity of the appeal site or within the street scene which would justify a departure from the previous decision.
6. It is also evident that with the exception of the adoption of the Birmingham Plan 2031 in January 2017 and the revised iteration of the National Planning Policy Framework (the Framework) dating February 2019, the remaining policy basis for the determination of the planning application was in place at the time of the 2013 approval. However, the Council's submissions do not draw my attention to any fundamental change in national or local policy as the basis for a changed assessment of design.
7. In any event, whilst I agree that the extension represents an unconventional addition to the property within the street scene, I am not persuaded given that the visual impact of the existing dwelling is already a distinct departure from the prevailing character of the area that the extension would be harmful as has been contended.
8. I accept that the extension would add bulk to the existing dwelling but the resultant building would continue to be of a significantly lesser scale than the neighbouring properties. Furthermore, I am satisfied that the asymmetric roof lines and contemporary design ethos of the existing dwelling would be retained by both the set-back of the extension and the use of Larch weatherboarding, as detailed and clarified on the additional plans submitted with the appeal. The timber would also provide an interesting contrast to both the texture and appearance of existing materials and would mitigate the appearance and effect of the additional bulk of the structure.

9. For these reasons, I am satisfied that the extension does not result in an unacceptable impact on the character and appearance of the dwelling or the area. There would be no conflict with Policy PG3 of the Birmingham Plan, saved paragraphs 3.14C-D of the Birmingham Unitary Development Plan (UDP) 2005, the guidance set out within Extending Your Home: Home Extensions Design Guide Supplementary Planning Documents (SPD) 2007, or paragraph 127 of the Framework. These policies and guidance seek to ensure that development has regard to the impact on the local character of an area, and that design creates a positive sense of place and responds to site conditions including respecting the style, character and appearance of existing buildings.

Living conditions

10. The council has highlighted that the extension has an adverse impact on the users of private amenity space to the rear of the site due to the proximity of rear windows when assessed in the context of guidance contained within the Places for Living Supplementary Planning Guidance (SPG) 2001. However, whilst I am mindful that the SPG states that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and amenity, in this instance the appellant has demonstrated the set-back of the glazing within the rear window reveal provides the required 15 metre distance to the boundary, to maintain appropriate levels of privacy.
11. The Council has not expanded in any detail as to the impact on light referred to in the reason for refusal and on the basis of my own observations I am satisfied that the development does not result in an unacceptable impact on light available to neighbouring occupiers.
12. The development therefore safeguards the living conditions of the neighbouring occupiers, having regard to privacy and light and accords with Policies PG3 and TP27 of the Birmingham Plan, saved paragraph 3.14C of the UDP, and the SPG, which expects development to respond to site conditions, create sustainable neighbourhoods, and address privacy and amenity concerns.

Conditions

13. I have discounted the Council's suggestion of the use of a condition regarding the timing of the commencement of development given that a commencement had clearly already occurred, but a standard condition regarding development being completed in accordance with the approved plans would be required.
14. The Council has also suggested a condition to seek the use of materials to match that of the existing dwelling. However, it is clearly the case that the development incorporates materials which do not match the existing dwelling. I am satisfied that the details of materials have been adequately referenced on the approved plans and I have therefore utilised a condition to ensure the use of the materials as detailed on the approved plans.

Conclusion

15. For the above reasons, and subject to the conditions as listed, the appeal is allowed.

Martin Seaton

INSPECTOR