



Appeal Decision

Site visit made on 1 December 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2020

Appeal Ref: APP/P4605/D/20/3257056

241 Shenley Fields Road, Birmingham B29 5BE

- 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 Robert Wojcik against the decision of Birmingham City Council.
 - The application Ref 2020/03523/PA, dated 11 May 2020, was refused by notice dated 3 July 2020.
 - The development proposed is the erection of two storey side and single storey front extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - on the living conditions of the occupiers of 2 Quarry Lane with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is located on the north side of Shenley Fields Road close to its junction with Quarry Road. The property itself is a mid-1930's semi-detached dwelling with a hipped roof and its curtilage is broadly triangular in shape. The adjoining property to the east, 2 Quarry Road, faces onto the side of the appeal property and has been extended on its south side.
4. The two-storey element of the proposal would be sited in line with the front main wall of the dwelling and would extend back to the rear main wall of the property. However, given the triangular nature of the site, the extension would also be splayed inwards at the rear.
5. This splaying of the extension, particularly at first floor level, would result in the shape of the building being somewhat contrived and, in my opinion, does not represent good design. This is further demonstrated by the resultant roof form which includes a splayed roof slope which would be at odds with the existing roof form.

6. In addition to the above, both storeys of the proposal would be sited broadly in line with the front main wall of the existing dwelling which would not help in giving the extension a sense of subserviency.
7. That said, I acknowledge that the ridge line of the roof would be set at a lower level than that of the existing property in an attempt to create a visual separation from the main house. Whilst this assists in reducing the bulk and massing of the proposal, this has been at the expense of design quality as it would be achieved by incorporating a lower roof pitch than on the existing dwelling on the front roofslope. This is also at odds with the guidance in the 'extending your home : home extensions design guide Supplementary Planning Document' (2007) (HESPD) which indicates that the pitch of the new roof should match that of the existing property.
8. To my mind, the combination of all of these factors leads me to the view that the proposal would not be a subservient addition to the host dwelling and would be an incongruous form of development particularly given its roof design and splayed element to the rear. Whilst I acknowledge that the dwelling is set back from the highway, this does not mean that it is not visible in the streetscene, nor does it justify an otherwise unacceptable development. Indeed, given its corner location the side extension would be readily visible, particularly at first floor and roof level when viewed from the street where this is not obscured by No.2.
9. In coming to the above view, I acknowledge that No.2 has had a large extension constructed to the side. However, the design of this extension is such that the first-floor element is set back at the front from the original dwelling, and it does not have a splayed element. As such, it presents a much more sympathetic design than the proposal before me.
10. The Appellant has drawn my attention to three other sites where the Council has approved side extensions¹. However, none of these extensions are the same as the proposal before me, in that the first two examples had their respective extensions set back from the main front wall of the host dwelling and none of the examples had a splayed first floor element. As such, I give them little weight in my decision. Moreover, each proposal must be considered on its individual merit.
11. For the above reasons the proposal would harm the character and appearance of the host dwelling and the wider area in conflict with Policy PG3 of the Birmingham Development Plan (2017) (BDP) and saved paragraph 3.14C-D of the saved Birmingham Unitary Development Plan (2005) (BUDP), and the HESPD which amongst other matters seek to ensure that all new development is of a high quality design and responds to site conditions and the local area context. It would also be at odds with the overarching design aims of the National Planning Policy Framework (the Framework).

Living conditions

12. The Council's principal concern relates to the potential loss of light and outlook from the ground floor habitable rooms to the rear aspect of No.2. The Council have referred to the 45-degree code to provide evidence to support this concern. However, given the juxtaposition between the two properties, with

¹ 19 Mimosa Close; 1 Shipley Grove and 143 Harvington Road

No.2 directly facing the side of the appeal property, I consider that this tool is not the most appropriate method of assessing any potential harm. That said, it is clear that the existing situation between the kitchen windows of No.2 and the flank elevation of the appeal property does not accord with the guidance contained in the HESPD which indicates that there should be a distance of 12.5 metres between the two properties.

13. The proposal would reduce the distance between the kitchen windows and the appeal building to around 4.5 metres. That said, the kitchen benefits from two windows, one of which is a bay window. However, outlook from both of these windows would be unacceptably dominated by the two-storey extension as it would be located directly in front of these windows. Whilst I acknowledge that this is an inevitable consequence as a result of the layout of No.2 following its own extension, this does not change the fact that the proposal would dominate both of the windows to this habitable room.
14. Turning to matters of light, the proposal would also have some impact on both the availability of sunlight and daylight. However, given that the No.2's kitchen has two windows, including the bay window which extends down to floor level, there is little evidence to suggest that the proposal would have a significant impact over and above the existing situation. Taking this into account, I consider that any loss of light is not a determinative factor in this case. That said, the loss of light which would arise does add some weight to the harm I have found in respect of effect on the living conditions of the occupiers of No.2.
15. In addition to the above, I have also had regard to the other concerns raised through the representations made on the application, including issues related to parking and noise from construction works. However, neither of these matters provide for a further reason why permission should not be granted.
16. The Council have referred to Policy TP27 of the BDP in respect of this issue. However, this policy is concerned with new housing rather than extensions to existing housing. As such, I find that it is not particularly relevant to the proposal before me and I give it little weight in my decision.
17. For the above reasons, the proposal would harm the living conditions of the occupiers of 2 Quarry Road and would be in conflict with Policy PG3 of the BDP, paragraph 3.14C of the BUDP, the HESPD, and the Places for living Supplementary Planning Guidance which amongst other matters seek to ensure that proposals do not adversely affect the occupiers of neighbouring properties. It would also be at odds with the overarching aims of the Framework.

Other matters

18. The Council have not raised any issues over the single storey front extension. Given its siting, size and appearance I consider that this element of the proposal is acceptable.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR