

Appeal Decision

Site visit made on 10 December 2020

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/P4605/D/20/3260142
17A Beaks Hill Road, Birmingham, B38 8BJ

- 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 Abu Shahed against the decision of Birmingham City Council.
 - The application Ref 2020/03470/PA, dated 28 April 2020, was refused by notice dated 29 July 2020.
 - The development proposed is a dormer loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed dormer loft conversion on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect of the proposed dormer loft conversion on the living conditions of neighbouring occupiers with respect to privacy and light.

Reasons

3. Beaks Hill Road is an established residential street characterised by large, mainly two storey dwellings in generous plots. Some dwellings, including the appeal property and No 17, appear to be replacement or infill dwellings and are of a more modern design than the older, traditional houses. The street is on a hill with No 19, a traditional dwelling, set on ground noticeably lower than the appeal property and No 17 on land significantly higher. The land also slopes down steeply to the rear of the appeal dwelling and No 19.
 4. From Beaks Hill Road the appeal dwelling has the appearance of a two storey dwelling. However, to the rear, ground levels are a storey lower and a basement sits at the same level as the garden. This results in the rear elevation of the dwelling appearing tall and relatively narrow.
 5. The proposed twin dormers would have pitched roofs and occupy the majority of the rear roof slope, extending up to the ridge, finishing just above the eaves and extending across most of the width. They would be substantially glazed and have wide Juliet balconies. Although the windows would be about the same
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height and overall width as the full height windows and patio doors in the basement and ground floor, they would be significantly wider and taller than the more modest windows in the first floor.

6. The size and projection of the dormers would add considerable bulk to the roof and the amount of glazing and the Juliet balconies would, in combination with this, make them an unduly prominent feature, dominating the roof. This would conflict with guidance in the Council's Supplementary Planning Document (SPD) "Extending your home" 2007. Coupled with the existing height of the dwelling the overall impression would be of an ill proportioned and oddly top heavy building.
7. The rear of the property is not directly overlooked and the effect on the street scene would be negligible. Nevertheless, the proposed dormers represent a poor design that would be visually awkward and unsympathetic to the host dwelling and local character where buildings generally exhibit good architecture, including well proportioned roofs.
8. It is concluded on the first main issue that the proposed dormer loft conversion would have a materially detrimental effect on the character and appearance of the host dwelling and the surrounding area as a result of its scale and design. In consequence, it would conflict with Policy PG3 of the Birmingham Development Plan (DP), 2017 saved Paragraphs 3.14 C-D of the Birmingham Plan (BP), 2005, the National Planning Policy Framework (NPPF) and the SPD. Taken together, these expect residential dormer extensions to be visually attractive as a result of good architecture, contribute to a strong sense of place and reinforce local distinctiveness and character with design that responds to site conditions and the local area context.
9. Turning to the effect on living conditions, although the Council and neighbours suggest that a loss of light would occur I am satisfied that, owing to the set-in position of the dormers and the south facing aspect there would be no material increase in overshadowing or loss of light to neighbouring property.
10. With respect to privacy, at present there is limited overlooking of the private gardens of neighbours at Nos 17 and 19 due to topography, the limited size of rear first floor windows in the appeal dwelling and intervening vegetation. As explained in the appellant's evidence, the proposed windows seek to take advantage of the opportunities for a good quality outlook. However, owing to their height, this would result in a material increase in the overlooking of private gardens at both properties. The scale and design of the dormer windows, including the Juliet balconies, would invite looking out, including from a seated position, and this would further increase the degree of overlooking and the impression of being overlooked. The effect would be particularly apparent at No 17 owing to the angling of the appeal property towards the shared boundary.
11. Although overlooking of gardens between neighbouring properties in a street is common, in this case, where existing overlooking is limited, a noticeable increase in the degree of overlooking would occur and a material loss of privacy would therefore result.
12. Overall it is concluded on the second main issue that the dormer loft conversion would have a materially detrimental effect on the living conditions of

neighbouring occupiers with respect to loss of privacy but would not result in a material loss of light. In consequence, the proposed development would conflict with Policies PG3 and TP27 of the DP, paragraph 3.14C of the BP, the NPPF and the Council's SPD. Taken together, these expect new development to provide a high standard of amenity for existing and future users such that the development is sustainable and, in particular, private external spaces are attractive and functional for the long term.

13. For the reasons set out above and having regard to all other matters raised, including the representations of third parties, I conclude that the appeal should be dismissed.

KE Down

INSPECTOR