



Appeal Decision

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2021

Appeal Ref: APP/P4605/D/20/3255628

20 Dawlish Road, Birmingham B29 7AE

- 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 Ralph Bennett against the decision of Birmingham City Council.
 - The application Ref: 2020/01590/PA, dated 25 February 2020, was refused by notice dated 22 April 2020.
 - The development proposed is a single story rear extension, rear dormer, dormer to front elevation and formation of light wells to front and rear of basement.
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Decision

1. The appeal is dismissed insofar as it relates to a single story rear extension, the formation of light wells to the front and the rear of the basement and the external staircase. The appeal is allowed insofar as it relates to a rear dormer and a dormer to the front elevation and planning permission is granted for a rear dormer and a dormer to the front elevation at 20 Dawlish Road, Birmingham B29 7AE in accordance with the terms of the application, Ref: 2020/01590/PA, dated 25 February 2020, so far as relevant to that part of the development hereby permitted and 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 following approved plans: A101q Plans, A103k Proposed Elevations, A105e Site Plan
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. In response to restrictions currently in place due to the COVID-19 pandemic, I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available, supplemented by additional photographic evidence supplied by the main parties. Both main parties have not objected to the use of this evidence in my decision and have agreed to the appeal proceeding on this basis.
3. The description of development in the banner heading above is taken from the planning application form. The proposal also includes the provision of an

external staircase to the front of the property. This is shown on the submitted plans and is referred to in the submissions of both main parties. Accordingly, it is for my consideration and this is also reflected in the decision paragraph above.

4. A 3D Visual drawing forms part of the plans submission. I have dealt with this drawing on an indicative basis.

Main Issues

5. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of 22 Dawlish Road (No 22) by way of outlook and light; and (ii) the character and appearance of the building and the area.

Reasons

Living Conditions

6. The appeal property forms an end of terrace house. To the rear of the property is a narrow yet long garden. There is also a modest sized rear single storey projection. The rear of the neighbouring property at No 22 is set out in a not dissimilar way. The shared boundary nearest the respective houses is defined by a close boarded fence. There is a ground floor window on the rear elevation of No 22 sited near to this boundary which is understood from the submissions to relate to a habitable room. There are also openings which face the boundary from No 22's own single storey rear element.
7. The Council employ a 45 degree code in order to assess proposals which might affect the outlook or daylight from a habitable room window on a nearby house. That the proposed rear extension would cross the 45 degree line as measured from the ground floor rear window of No 22 is not disputed. The appellant has also pointed out that the terrace properties as built would not comply with the code. Thus, what is of more importance is a consideration of the likely effects on the neighbouring property's outlook and light, given the particular nature of the proposal and the site circumstances.
8. In this regard, the proposed rear extension would project some distance out from the rear of the appeal property. Due to the narrowness of the rear garden and the width of the extension, it would be sited only a limited distance from the boundary with No 22. In particular, the ground floor rear window of No 22 would be sited in close proximity with the confines of the rears of these properties.
9. As a consequence, the proposed rear extension would appear as an overbearing addition. It would significantly disrupt the outlook from the rear of No 22, as well as diminish the light levels, due to its size and proximity. This harm would not be satisfactorily addressed by the proposed roof angling away from the boundary and nor by the height of the existing boundary fence. The proposed extension would still appear as an imposing feature from the rear of No 22. The same applies as regards the proposed glazed link because it would be a modest element compared to the overall size of the extension.
10. I conclude that the proposed rear extension would have an unacceptable effect on the living conditions of the occupiers of No 22 by way of outlook and light. As such, it would not comply in this regard with Policy PG3 of the Council's Birmingham Development Plan 2031 (2017) (BDP) and with Saved Policies

3.14C and 8.39-8.43 of the Birmingham Unitary Development Plan (2005) (UDP) where they concern design matters related to living conditions, and the interests of the occupiers of adjoining residential accommodation by ensuring that development would not seriously affect the outlook or daylight of these properties. It would also not comply with the National Planning Policy Framework (Framework) where it concerns a high standard of amenity for existing and future users.

11. The proposed dormers would not raise outlook and light concerns due to their siting on the front and rear roof planes, and nor would the proposed light wells and the external staircase. I conclude that these parts of the proposal would comply in this regard with Policy PG3 of the BDP, Saved Policies 3.14C and 8.39-8.43 of the UDP and the Framework.

Character and Appearance

12. The immediate vicinity of the site along Dawlish Road is characterised by long rows of terraced properties. The plots are linear and the rear of the properties contain single storey elements that result in their footprints maintaining an L-shape. An aspect of the arrangement of the properties is that, despite of the narrowness of the plots, an appreciable gap is maintained between the rear single storey elements and one of the boundaries with the neighbours. The site also abuts a boundary with a block of flats, but shares little in character with this building compared to the terraces.
13. The proposed rear extension would constitute a significant enlargement to the rear of the property. It would near span the width of the site and when this is considered with its length, the contribution of the L-shape to the character would be significantly diminished. Whilst it would be single storey, its footprint size would be considerably greater than the appeal property. It would be an out of scale and dominant addition to the rear, rather than a subordinate addition.
14. The appellant has referred to a rear extension at 28 Dawlish Road (No 28). An important distinction is the spacing that remains between that extension and one of the boundaries with the neighbours. This is to a greater degree than what is for my consideration. It enables the rear of No 28 to maintain more of the local character, including the L-shape footprint. That it presents a blank wall on the opposite neighbouring boundary does not lessen that it maintains the gap with the other boundary. No 28 does not alter my conclusion.
15. Effects on character are not simply dependant on what can be viewed from the streetscene. As I have set out, how these terraced properties are laid out to the rear positively contributes to both the individual properties and the area. It is this characteristic that would be harmed by the proposed rear extension. The amount of garden area that would remain beyond the extension would not overcome this adverse effect.
16. The terraced properties contain small front gardens and so the front elevations of the houses are prominent. The front garden areas are largely enclosed by boundary treatments of a low height. These elements also add to a pleasing sense of uniformity along the frontages. External front staircases to access a basement level are, though, not common features of the terraces.

17. Hence, the proposed external staircase would be a feature that would be out of keeping. In these surroundings, it would not be a nominal feature because it would be uncharacteristic and this would be evident, even with the front boundary wall. Whilst the Council's design reason for refusal is more general in its terms, it is apparent from the Planning Officer Report that the Council has concerns with the proposed external staircase in this regard and which the appellant has responded to.
18. I conclude that the proposed rear extension and the external staircase would have an unacceptable effect on the character and appearance of the building and the area. They would not comply in this regard with Policy PG3 of the BDP and with Saved Policies 3.14C-D of the UDP where they concern that new development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, having regard to design related development guidelines and good urban design principles.
19. They would also not comply in this regard with the Council's Extending Your Home, Home Extensions Design Guide Supplementary Planning Document (SPD) (2007) where this concerns good design and respecting the appearance of the local area. They would also not accord with the Framework in relation to achieving well designed places.
20. The proposed dormers would not be features that would appear out of place on these terraced properties, and the proposed light wells would not raise concerns by way of character and appearance. I conclude that these parts of the proposal would comply in this regard with Policy PG3 of the BDP, Saved Policies 3.14C-D of the UDP, the SPD and the Framework.

Other Matters

21. That the Framework states that decisions should promote an effective use of land in meeting the need for homes is not unqualified because it also concerns living conditions, and character and appearance matters. With the harm that I have identified, the proposal would not be an effective use of land.
22. There is overall agreement that the proposal would not be unacceptable concerning privacy, notwithstanding the submissions that have been made. It would also be in an accessible location in relation to local services. However, these matters do not either address or overcome the harm that would arise. I am also aware that the proposal has sought to address a previous refusal of planning permission on the site. I have, though, to determine the proposal before me on its own merits.
23. As I do not find unacceptable harm would be caused by the proposed dormers, planning permission should not be withheld for them, subject to conditions. The proposed light wells are not clearly severable from the parts of the proposal that I find to be unacceptable in order for permission to be granted for them.

Conditions

24. In addition to the timescale for the implementation of the proposed dormers, I have imposed a condition concerning the proposed plans for the part of the development hereby permitted, excluding the indicative plan. This is for the purposes of certainty. I have also imposed a condition by way of matching

materials to the existing house. This is in order to protect the character and appearance of the building and the area.

Conclusion

25. I conclude that the appeal should be allowed insofar as it relates to a rear dormer and a dormer to the front elevation but dismissed insofar as it relates to a single story rear extension, the formation of the light wells to the front and rear of the basement and the external staircase.

Darren Hendley

INSPECTOR