



Appeal Decision

Site Visit made on 5 January 2021 by G Sibley MPLAN MRTPI

Decision by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2021

Appeal Ref: APP/P4605/D/20/3262190

114 Antrobus Road, Sutton Vesey, Sutton Coldfield B73 5EL

- 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 Errol Robinson against the decision of Birmingham City Council.
 - The application Ref 2020/04266/PA, dated 9 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is increasing the floor area of the existing single storey storeroom and using the space as garden room.
-

Decision

1. The appeal is allowed and planning permission is granted for increasing the floor area of the existing single storey storeroom and using the space as garden room at 114 Antrobus Road, Sutton Vesey, Sutton Coldfield B73 5EL in accordance with the terms of the application, Ref 2020/04266/PA, dated 9 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan Ref: TQRQM20161115208270; Site Plan Ref: TQRQM20168112946365; and Proposed Single Storey Rear Extension and New Kitchen and Utility Layout Dwg No Proposed/002/Rev B.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development upon the living conditions of the occupiers of No 112 Antrobus Road with regard to light and outlook.

Reasons for the Recommendation

4. The purpose of the adhering to the 45-degree code set out in the 45-Degree Code Supplementary Planning Guidance (SPG) (2006) is to ensure development does not cause harm to neighbouring occupiers' light and outlook.

The guide states that where both properties have been extended, any further extensions will be looked at on their merits as long as they leave enough garden area. Both Nos 114 and 112 have been extended to the rear and as a result the proposal should be assessed on its merits rather than adhering strictly to the 45-degree code.

5. The extension to No 112 is a conservatory with a brick-built wall facing No 114 and does not extend out as far as the existing extension to No 114. No 112's garden is at a higher ground level than No 114 and as a result the full height of the existing extension is not viewed from the rear of No 112. Whilst the extension does extend beyond the rear of the conservatory, the existing extension does not detrimentally block light or appear overbearing, given the height of the extension when taking into consideration the changing ground levels.
6. The proposed extension would extend the current extension by around 2 metres and would include a hipped roof that would slope away from the shared boundary. No 112 is a relatively wide dwelling with a deep garden and as a result the proposed extension, when combined with the existing extension, would only extend a relatively short distance into the garden.
7. Whilst the hipped roof would increase the height of the rear extension, because of its single storey nature and its design sloping away from the shared boundary, significant levels of both daylight and sunlight would continue to reach the conservatory and the rear garden at No 112.
8. The hipped roof would make the full rear extension taller when viewed from the conservatory. Nevertheless, given the width and depth of the garden as well as the changing ground levels between the two properties, the proposed development would not enclose the rear of the property to the point where it would create a significantly less pleasant and uninviting place for the occupiers to use. Furthermore, their outlook over the long and open garden to the rear would be largely unaffected by the proposal. Accordingly, the proposed extension would not appear overbearing or significantly adversely affect the outlook from No 112's conservatory. Furthermore, given the width of the garden and the height of the single storey extension, it would not appear overbearing when viewed from the rear patio area.
9. Therefore, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of No 112 in terms of light or outlook. As a result, the proposal complies with Policy PG3 of The Birmingham Plan 2031 (adopted 2017) which notes that development should respond to site conditions and the local area context. Furthermore, the proposal would be in accordance with paragraph 3.14C, 3.14D and the purposes of paragraphs 8.39 – 8.43 of the Birmingham Unitary Development (adopted 1993) insofar as they require development not to seriously affect the outlook or daylight of adjoining residential occupiers, and the daylight, outlook and privacy aims of the SPG and the Extending Your Home Supplementary Planning Document (2007).

Conditions

10. In addition to the statutory commencement condition, in the interests of clarity it is also necessary to ensure that the development is completed in accordance with the approved plans and for the materials used to match those used in the existing dwelling.

Conclusion and Recommendation

11. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal, subject to the conditions set out above.

RC Kirby

INSPECTOR