



Appeal Decision

Site Visit made on 25 May 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/P4605/D/21/3268529

18 Winton Grove, Sutton Coldfield B76 1XE

- 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 Mustafa against the decision of Birmingham City Council.
 - The application Ref 2020/09126/PA, dated 13 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is 'formation of habitable room in roofspace with rear dormer'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of No 18 and the surrounding area,
 - the living conditions of the occupants of 19 Marfield Close with respect to privacy.

Reasons

Character and appearance

3. The character of Winton Grove and surrounding residential roads is defined by a uniformity of house design. Houses are grouped next to others of the same design. In the immediate vicinity of the site there is a characteristic simplicity to the roof design, comprising side facing gables without front or rear projections at first floor level. This is the predominant roof style in the area. I did not observe any other examples of rear dormers in the vicinity.
4. There is a slight staggering of house positions on Winton Grove such that the appeal site is stepped forward compared to its neighbour at 16 Winton Grove. This means the rear roof slope would be partially visible in profile, on approaching the property from Oversley Road. The uniformity of roof design is also apparent from the rear garden of the property. Whilst not harmful to the building when viewed in isolation, the rear dormer would appear at odds with the prevailing character and appearance of houses in this area.
5. Some houses in the area have installed solar panels to their roofs. I accept that opinions on the appearance of these vary, however they are positioned to follow the slope of the roof and as such have a lesser effect on the character of the street scene here compared with the proposal. There are also other

examples of extensions in the area but these maintain clean lines to first floor roofs which is a key feature of the character and appearance of the area.

6. Accordingly I conclude that the proposal, whilst not harmful to the character of the building itself, would harm the character and appearance of the area. It would therefore conflict with policy PG3 of the Birmingham Development Plan (adopted January 2017) which promotes high quality design and encourages proposals that reinforce local distinctiveness. For similar reasons it would conflict with saved policy 3.14D of the Unitary Development Plan (adopted October 2005) which requires decisions to be made having regard to local character.
7. The proposal would not be in line with paragraph 127 of the National Planning Policy Framework ('the Framework') which states that developments should be sympathetic to local character. In addition, the development would not be supported by the Extending Your Home supplementary planning document (March 2007) which has respecting the appearance of the local area as a key principle.

Living conditions

8. Although the area is a suburban part of the town, I saw how the separation distance between the rear elevations of opposing properties is relatively limited. Whilst there is some variety in the area and certain properties have been altered over time, nevertheless there is some consistency: properties appear to have been laid out to a common typology, around the same era, and to a relatively high density. The rear elevation and garden of the appeal property (No 18) backs on to the rear garden of 19 Marfield Close (No 19).
9. Given the layout and relative proximity of the two houses, there will already be a degree of overlooking of the garden at No 19 from first floor windows at No 18. Nevertheless the addition of a rear dormer will add two rear facing windows at roof level. These would appear more dominant from the rear garden at No 19 than the existing first floor windows (which are in line with the pattern of development in the area) and would increase the opportunity for overlooking. I accept that there would be some screening effect from the trees at the end of the garden at No 19, however this would be partial and seasonal.
10. Given the relative proximity to the rear garden at No 19 I conclude that the proposed rear dormer would have a harmful effect on privacy, to the extent that living conditions in the rear garden at No 19 would be unacceptably compromised compared to prevailing conditions. That the occupants of No 19 have not submitted an objection does not alter the harm I have identified for the current and future occupants of that property.
11. Consequently the proposal would be contrary to policy TP27 and PG3 of the Birmingham Development Plan which seek to ensure new development demonstrates high design quality and responds to site conditions and local context. For the above reasons it would not accord with paragraph 127 of the Framework which seeks to ensure that development maintains high standards of amenity for existing and future users. Similarly it would not accord with the approach set out in the Places For Living supplementary planning guidance (March 2001) which advocates developments that do not compromise privacy of neighbouring gardens, and the Extending Your Home supplementary

planning document which highlights the importance of avoiding adverse effects on neighbours.

Conclusion

12. I have found that the development would harm the character and appearance of the surrounding area. I have also found that the development would result in unacceptable harm to the living conditions of the occupants of No 19 with respect to privacy in their rear garden. It would therefore be contrary to the development plan. I fully appreciate the private benefit of the proposed development to the appellant and his family, and the advantages of being able to travel to school without needing to drive. However, being essentially private benefits, they do not outweigh the harm I have identified. As such, and having regard to the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR