



Appeal Decision

Site Visit made on 8 June 2021 by John Gunn DipTP, DipDBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/G4620/D/21/3270909

23 Jill Avenue, Birmingham, B43 6DH

- 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 Miss Rebecca Cudby against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/65041, dated 4 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is detached garage, single-storey side extension and increase to roof height to include dormer windows. Revised scheme following DC/20/64523.
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Decision

1. The appeal is dismissed.

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 Issues

3. The main issues are the effect of the proposed development upon 1) the character and appearance of the area and 2) the living conditions of the occupiers of surrounding residential properties, having particular regard to outlook and privacy.

Reasons for the Recommendation

Character and appearance

4. The appeal site lies in a residential area and is accessed via a private drive at the end of a cul-de-sac. The area comprises of a mix of detached and semi-detached houses, and bungalows set back from the road with modest sized landscaped front gardens. There are very distinct changes in ground level between the more elevated position of the appeal property and other properties within its immediate locality.
5. The proposed development would have a higher roof, with a marginally steeper pitch, and greater mass than the existing building. However, this would be broken up by the incorporation of two small dormers on the north and east elevations, such that the host dwelling would retain its own individuality. Moreover, when viewed from Jill Avenue, the extended dwelling would be seen in the context of other nearby properties and the varied roofscape.

Consequently, the proposal would not appear incongruous or unduly prominent within the street scene.

6. Notwithstanding the above, I find that when viewed from the rear gardens of Nos 4 and 6 High Croft, which have a ground floor level approximately 4.6 metres lower than the host property, the resultant development would appear as a prominent and incongruous building. It would dominate the skyline and have a detrimental visual impact on the wider area. Whilst I accept that the situation is tempered to some extent by the existing trees, and fencing, the proposed development would be of a substantial and solid construction, and in any event the trees may be felled in the future negating any benefits they might provide. In any event, even with the trees I find the level of harm to be unacceptable.
7. In the light of the above, I conclude that the proposal would result in harm to the character and appearance of the surrounding area, contrary to Policy ENV3 of the Black Country Core Strategy (CS) and Policy EOS9 of the Site Allocations and Delivery Development Plan Document (SADDPD). These policies require, amongst other things, that development should incorporate high quality design that reflects the distinctive character of an area, having regard to the scale, nature, and height of any buildings.

Living conditions

8. The rear elevations of nos. 4 and 6 are orientated towards the rear garden of the host property. The current outlook from these properties is of a car port and conservatory, beyond which lies the main part of the host property. The shortest distance between the properties is approximately 9 metres.
9. The orientation of Nos 4 and 6, combined with the separation distance to the host property, would mean that views from the proposed development into habitable rooms would be very limited. As a result, there would be no harm to occupiers in this regard. However, given the elevated vantage point from the proposed bedroom windows there would undoubtedly be an increase in the perceived loss of privacy experienced by occupiers using their rear gardens. Moreover, given the size and scale of the proposed development there would be some additional harm to the available outlook from the rear gardens of Nos 4 and 6. As a result, the amenity for users of the rear garden of Nos 4 and 6 would be reduced.
10. The submitted evidence indicates no. 21 Jill Avenue to be located approximately 1.9 metres lower than the host property. It has windows serving habitable rooms at ground and first floor levels. Currently the outlook from these rear windows is of the side elevation of No 23. According to the Council there is a distance of approximately 11 metres between the rear wall of No 21 and the existing side elevation of the host property. This is disputed by the appellant who suggests that the separation distance is 12.3 metres. Based on the topographical survey submitted with the application, and what I saw during my site visit, I am inclined to accept the greater distance.
11. The roof of the proposed development would be higher and steeper although the eaves would remain the same as for the existing host property. Moreover, it would incorporate a half hip at the southern end of the north/south ridge, and the cheeks of the box dormer on the rear elevation would be set in from the eaves by over 1 metre.

12. Both parties agree that the proposal would not result in a loss of light over and above the existing situation. From what I have seen and read I do not disagree with their views. Moreover, given the fence on the common boundary, and the absence of any windows in the southern elevation at first floor level the proposed development, the proposal would not give rise to harm resulting from loss of privacy. I also find that any impact on the outlook from the rear windows of No 21, or from within the garden, would be limited given the design of the proposed development and the separation distances involved. As a result, the proposed development would not result in significant harm to the living conditions of the occupiers of No 21.
13. Whilst acknowledging the small difference in levels between the host property and Nos 25 to 29 (odd) I find that the separation distance is sufficient to ensure that privacy is maintained in habitable rooms. Moreover, given its design and separation distance, the proposed development would not cause significant harm to the outlook from these properties.
14. In the light of the above I conclude that the proposal would not be harmful to the living conditions of the occupiers of Nos 21, 25, 27 or 29. However it would result in reduced privacy, and harm to the available outlook, from the rear gardens of Nos 4 and 6. Consequently, the proposal would be contrary to Policy EOS9 of the SADDPD which requires, amongst other things, that development should not impact on neighbouring properties.

Other Matters

15. No objections have been raised by the Council to the erection of the proposed detached garage. From what I have seen and read I do not disagree with their view.

Conclusion and Recommendation

16. Whilst I have not found there to be any harm to the living conditions of neighbouring occupiers, the proposed development would result in an adverse effect on the character and appearance of the area. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

M Seaton

INSPECTOR