



Appeal Decision

Site visit made on 18 May 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/P4605/W/21/3266649

2 Dunstall Grove, Weoley Castle, Birmingham B29 5LY

- 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 Ms Jane Lenart against the decision of Birmingham City Council.
 - The application Ref 2020/08567/PA, dated 28 October 2020, was refused by notice dated 31 December 2020.
 - The development proposed is described as: Two storey extension with hipped roof to the family house.
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Decision

1. The appeal is dismissed insofar as it relates to the two storey side extension, the installation of the porch and the remedial works to include the replacement of the gable end roof to a hipped roof.
2. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted for the single storey rear extension in accordance with the terms of the application (including plan nos. 2016-NMA-00-ZZ-DR-A-00200 Rev P5 and 2016-NMA-00-ZZ-DR-A-00100 Rev P4, Ref 2020/08567/PA) dated 28 October 2020 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 external surfaces of the development hereby permitted shall be constructed in the materials to match the existing property.

Preliminary matters

3. The Council describe the application proposal as "retention of a two storey side extension, single storey rear extension, installation of porch to front and remedial works to include replacement of gable end roof to a hipped roof". The applicant was informed of the revised description of development with a request for comment should they not agree. I am not aware of any further correspondence concerning this matter. Consequently, my decision will be based on the Council's description of development and the plans which accompanied the application.
4. The development is also the subject of an appeal under s174 of the 1990 Act against the enforcement notice issued by the Council on 14 January 2021 for the unauthorised erection of a two storey side extension. This is the subject of a separate decision under ref APP/P4605/C/21/3267465.

Main Issue

5. This is the effect of the proposal on the character and appearance of the host property and the street scene.

Reasons

6. The appeal site is a two storey semi-detached dwelling situated within a cul-de-sac with 15 similar properties. The residential road is characterised by the analogous design features with fenestration, central chimneys and hipped roofs with the houses forming a mirror image of each other either side of the road. The appeal property is found at the entrance to the cul-de-sac with its frontage facing Dunstall Grove and its side facing Somerford Road.
7. The Council, in approving the previous scheme¹, accepted that although they had concerns about the impact of the single storey rear extension regarding the amount of light to the kitchen, this was not considered sufficiently detrimental so as to refuse the overall proposal. I have no reason to disagree with this judgement and consider that the single storey rear extension would be an acceptable addition to the property.
8. The Council's home extensions design guide supplementary planning document 'Extending Your Home' 2007 (Extending your Home SPD) requires extensions to respect the appearance of the local area and the original property. It states that a side extension should be designed to look less important than the existing building, the pitch of the new roof should match those on the existing property, however the ridge line should generally be lower than that of the main roof so that it does not dominate the appearance of the house.
9. I note the appellant's comments about the extension being consistent with the building line of the neighbouring properties but that is often a requirement for new dwellings in a road. The stepping-down and stepping-in of extensions is generally accepted to be an appropriate way to ensure an addition to a property is subordinate. However, this practice is not always the correct approach and as the appellant points out, flexibility may be necessary.
10. In these circumstances, the proposed two storey side extension would not be a modest addition to the property. The width of the extension would be greater than the width of the original dwelling and this would unbalance the property. I acknowledge that there is a current extant permission for extensions to the appeal property and this provides a fall-back position. Nonetheless, the appeal proposal in front of me differs significantly from what has been allowed previously. The proposed scheme would increase the two storey side extension by an additional 1.4m and this would make a fundamental difference to both the street scene and the host property.
11. Furthermore, the pattern of the windows on the front elevation which replicate that of the host, and the addition of a new chimney, give the impression of a new dwelling rather than an extension. Although a hipped roof is proposed to reduce the overall bulk and reflect the uniform design of the surrounding properties, maintaining the current ridge height and property depth for such a sizeable extension would not promote the development as a subservient addition to the original house.

¹ LPA ref: 2018/05715/PA Erection of two and single storey side extension and single storey rear extension.

12. Overall, the scale of the proposed two-storey side extension, which would include the porch addition, would be overbearing in relation to the existing dwellinghouse. The extension would be disproportionate and, by reason of its design and mass, would have a significantly detrimental impact on the character and appearance of the host property and the street scene both within Dunstall Grove and Somerford Road. In this respect, the proposal conflicts with guidance contained within the Council's Extending Your Home SPD, Policy PG3 of the Birmingham Development Plan (2017) and the saved policy 3.14 C-D of the Birmingham Unitary Development Plan (2005) which seek high design quality, reinforcement of local distinctiveness and protection and enhancement of the built environment. The proposal also conflicts with the National Planning Policy Framework that seeks to secure high quality design which should contribute positively to making places better for people.

Other matters

13. The appellant argues that the Extending your Home SPD is out of date and is neither policy, prescriptive nor a design code. However, the SPD forms part of Birmingham Council's Local Development Framework and as such it provides current guidance to support the local plan policies.
14. I note reference to other decisions made by the Council to approve similar extensions locally. However, I am not aware of all the circumstances of those decisions but in any case, each appeal must be considered on its own merits.

Conclusion

15. For the reasons given above, I conclude that the proposed two storey side extension and porch would have a significantly detrimental impact on the character and appearance of the host property and the street scene contrary to the development plan. As I have found the single storey rear extension is acceptable and is physically and functionally severable, I shall issue a split decision. The rear extension aside, the proposal does not accord with the development plan for the area when considered as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be allowed insofar as it relates to the single storey rear extension and a condition to ensure that the facing materials used in its construction match the existing dwelling is deemed necessary in the interest of the character and appearance of the area. The appeal is dismissed insofar as it relates to the two storey side extension, the installation of the porch and the remedial works to include the replacement of the gable end roof to a hipped roof.

S A Hanson

INSPECTOR