



Appeal Decision

Site Visit made on 1 June 2021 by John Gunn Dip TP, Dip DBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/P4605/D/21/3273499

169 St. Andrews Road, Nechells, Birmingham, B9 4NB

- 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 S Hanif against the decision of Birmingham City Council.
 - The application Ref 2020/09275/PA, dated 19 November 2020, was refused by notice dated 23 February 2021.
 - The development proposed is erection of single storey rear conservatory extension.
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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.

Preliminary Matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues are:
 - the effect of the proposed conservatory on the character and appearance of the host property, and;
 - the impact of the proposed conservatory extension on the living conditions of existing and future occupiers of the host property, with particular regard to the provision of private amenity space.

Reasons for the Recommendation

Character and appearance

5. The appeal site lies on a modern housing development comprising of predominantly detached family dwellings. Community facilities, including a primary school and public park, lie in close proximity.

6. The proposed conservatory would represent a modest extension to the property. Notwithstanding, an existing extension built on the rear of the host property, it would have a domestic scale and mass, and would be in keeping with the host property.
7. In light of the above, I conclude that the proposed development would respect the character and appearance of the host property, in accordance with Policy PG3 of the Birmingham Plan 2031, saved Policies 3.14 C-D of the Birmingham Unitary Development Plan 2005 and the Framework which, amongst other matters, seeks to create high quality buildings and places that are sympathetic to local character.

Living conditions

8. The appeal property has a small rear garden. The proposed conservatory would be located between the host property and two existing wooden outbuildings which whilst they have not been shown on the submitted plans, I have no evidence to indicate that the outbuildings would be removed if the appeal was to be allowed.
9. Irrespective of whether the outbuildings are removed, the outdoor space available to the occupiers, in the event the appeal was allowed, would fall significantly short of the minimum requirement of 70 square metres for a family home, as set out in the guidance contained within Section 7 of the Home Extensions Design Guide - supplementary planning document (SPD). As a result, the resultant private amenity space would not provide a reasonable level of outdoor space for a family-sized property including for children to play in or for the occupiers of the host property to utilise for domestic purposes, because of its limited size.
10. I recognise that other properties in the locality have clearly been extended, although I am not aware of the circumstances that led to their construction. In any event from what I saw on my site visit the properties where extensions had been built have larger gardens. Consequently, those developments are not directly comparable with the appeal proposal.
11. I also acknowledge the appellant's comment that he, and future occupiers, would be aware of the accommodation provided within the property, and the level of outdoor amenity space available. I have had regard to the position of the appeal property within a short walking distance of The Kingston Hill Local Park and other local services. However, whilst I have carefully considered this and the appellant's desire to provide additional internal accommodation, I am not persuaded that these factors would outweigh the harm to the living conditions that I have identified above.
12. In light of the above I conclude that the proposal would result in a poor quality living environment for the existing and future occupiers of the host property which would be harmful to their living conditions. Accordingly, the scheme conflicts with Policy PG3 of the Birmingham Plan 2031 which seeks to ensure that private external spaces are attractive and functional. It would also be contrary to the SPD, and paragraph 127 f) of the National Planning Policy Framework, which seek a high standard of amenity for existing and future users.

Conclusion and Recommendation

13. Whilst I find that the proposed conservatory would not be harmful to the character and appearance of the host property, it would have a harmful impact on the living conditions of existing and future occupiers. Consequently, the proposed development would be in conflict with the development plan taken as a whole. The weight attached to other material considerations in support of the development do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I recommend that the appeal should be dismissed.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

14. 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