
Appeal Decision

Site Visit made on 24 August 2021

by John Gunn Dip TP, Dip DBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/P4605/D/21/3276685

8 Ayala Croft, Birmingham, B36 8SN

- 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 Mohammed Kawsar against the decision of Birmingham City Council.
 - The application Ref 2021/00971/PA, dated 4 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is described as 'two storey side and rear extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of two storey side extension. The Council dealt with the proposal on this basis and so shall I.
3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. I am mindful that the appellant has submitted comments regarding the revised Framework and believes that the decision should be based on the Framework that was in place at the time the Council made their decision, i.e. prior to 20th July 2021. In this regard, the courts have confirmed that Inspectors need to make their decision on the basis of the development plan and national policy which are in place at the time of their decision – rather than at the time of any event or any earlier stage. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal site lies in a short cul-de-sac characterised by semi-detached houses. The properties are grouped around the turning head of the street. They

have well-defined building lines and regular spacing between buildings. This provides a simple and pleasing rhythm to the street. The individual properties are set back from the highway and have small landscaped front gardens, incorporating parking facilities. The host property is similar in design and materials to others within the cul-de-sac. Although some of the properties in the cul-de-sac have been extended and altered, the overall visual appearance of the street remains intact.

6. The appeal proposal would introduce an extension of significant width alongside the host property. It would be in line with the main front wall of the host property and would have a ridge line at the same height as the existing roof. Consequently, the proposed development would not appear subservient to the host property. It would significantly increase the bulk and massing of the host property and appear incongruous when viewed from within Ayala Croft.
7. The resultant property would not be sympathetic to the prevailing local character derived from the generally consistent design approach of the semi-detached pairs of houses observed within the street. It would erode the strong sense of place that exists within Ayala Croft. The proposed development would therefore be out of keeping with the character and appearance of the surrounding area.
8. The appellant has drawn my attention to locations within the area, including within Ayala Croft and Bromford Drive, where two storey extensions have been built. I noted that the first floors of the developments at 7 Ayala Croft and 1 Bromford Drive were set back from the front main wall of the respective property, and had a ridge set down from the existing roofline. This resulted in the extensions appearing as subservient developments to the host property. The extension at 1 Ayala Croft was in line with the original house and has a consistent ridge line, however it appeared to be of some age. I have not been provided with any evidence regarding the context in which the development was permitted. It does not provide justification for development that would fail to add to the overall quality of the area in the immediate vicinity of the appeal site.
9. For the reasons set out above, I conclude that the proposed development would be harmful to the character and appearance of the host property and the surrounding area. This would be in conflict with Policy PG3 of the Birmingham Plan 2031, saved paragraphs 3.14 C-D of The Birmingham Unitary Development Plan 2005 and the Extending your Home SPD. These policies seek to deliver developments that are of high quality design that contribute to a strong sense of place, with side extensions designed to look less important than the existing building with a ridge line lower than that of the main roof. They are in broad conformity with the Framework which, amongst other matters, requires developments to be sympathetic to local character and add to the overall quality of the area.

Other Matters

10. I note the appellant's frustration at how the Council handled the application. However, this does not bear on my consideration of the main issue of this appeal and would not outweigh the harm I have identified to the character and appearance of the area.

Conclusion

11. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

John Gunn

INSPECTOR