



Appeal Decision

Site visit made on 14 October 2012

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021.

Appeal Ref: APP/P4605/D/21/3279117

125 Tower Road, Sutton Four Oaks, Sutton Coldfield B75 5EE

- 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 Toni Treadwell against the decision of Birmingham City Council.
 - The application Ref 2021/02249/PA, dated 12 March 2021, was refused by notice dated 21 June 2021.
 - The development proposed is described as 'Single storey rear and 1st floor side extension, new porch and front elevation extension on garage side'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and 1st floor side extension, new porch and front elevation extension on garage side at 125 Tower Road, Sutton Four Oaks, Sutton Coldfield B75 5EE in accordance with the terms of the application, Ref 2021/02249/PA, dated 12 March 2021, subject to the following conditions:
 1. The development hereby permitted shall begin no later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: A.03, A.04, A.05 and site location plan
 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of Nos 123 and 127 Tower Road, in terms of loss of outlook and light.

Reasons

3. Both the appeal dwelling and the neighbouring property, No 123 Tower Road, benefit from existing single storey rear extensions which are of a similar depth. The appellant's existing conservatory extension would be demolished and a single storey rear extension constructed in its place. The proposed extension would extend beyond both the rear elevation of the existing conservatory and the rear elevation of the neighbour's rear extension.

4. The proposed extension would extend beyond the rear elevation of the neighbours' ground floor extension by roughly one metre and would be a similar height to the existing conservatory which it would replace. Whilst I note that the Council states that the proposed extension would not comply with the 45 degree code, I have no evidence before me which demonstrates this. In any event, given that the proposed extension would be single storey and it would only extend a minimal distance beyond the neighbour's extension, the proposal would not significantly affect the outlook or level of light to the occupiers of No 123.
5. Turning to the proposed two storey side elevation, on my site visit I observed that adjacent bungalow, No 127, included two windows in its side elevation. I note that the Council state that one of these is the sole opening for a bedroom. I also recognise that the proposal would not meet the guidance within Section 7 of Extending Your Home, Home Extension Design Guide, Supplementary Planning Document (2007) (EYHSPD), which advises that 12.5 metres should be retained between two side elevations. However, the distance between the two properties is already less than this and, in any event, a reasonable distance would continue to be retained between the two properties. On this basis, the proposed first floor side extension would not significantly reduce the level of light to these windows.
6. In terms of outlook, the neighbours' windows currently look out across their garden area towards the side elevation of the appellant's home. Whilst the appeal proposal would bring the first-floor element of the appeal dwelling closer to the adjacent dwelling, given the distance that would be retained between the properties, this would not unduly harm the outlook from those windows.
7. Taking all the above into account, I conclude that appeal development would not unacceptably harm the living conditions of the neighbouring occupier of Nos 123 or 127 Tower Road. Therefore, the proposal meets the requirements of policies PG3 and TP27 of the Birmingham Development Plan (2017), saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham Unitary Development Plan (2005), Section 5 of the EYHSPD, Places for Living Supplementary Planning Guidance (2001) and Paragraph 130 of the National Planning Policy Framework which, taken together, seek to secure good quality development which preserves the living conditions of neighbouring occupiers.

Conditions

8. I impose conditions in regards to timescales and setting out the approved plans to provide certainty. I attach a condition regarding external materials to ensure the scheme preserves the character and appearance of the host dwelling and the area.

Conclusion

9. For the reasons given, I allow the appeal.

Rebecca McAndrew

INSPECTOR