The Planning Inspectorate

Appeal Decision

Site visit made on 19 October 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

Appeal Ref: APP/P4605/D/21/3283578
77 Wentworth Way, Birmingham B32 2UX

- 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 Sangha against the decision of Birmingham City Council.
- The application Ref 2021/05939 , dated 1 July 2021, was refused by notice dated 8 September 2021.
- The development proposed is two storey side and rear extension.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have raised no objection to the rear extension; therefore I will not consider that aspect as part of my report.

Application for costs

3. An application for costs was made by Mr Sangha against Birmingham City Council. This application will be the subject of a separate Decision.

Background

4. A previous application for the same development was refused and dismissed at appeal (APP/P4605/D/20/3251724). There is also an extant permission approved for extensions to the property.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is a two-storey detached dwelling in a primarily residential area. The appeal property is one of a number of similarly designed properties but has a previous side extension constructed.

7. I will not repeat the previous Inspectors assessment of the proposals, but the reason for resubmission of the scheme is that the appellant is aware of another scheme for similar development that has been approved by the Council at No. 59 Wentworth Way.

8. In support of this position, I have received copies of the proposed elevation plans for No 59 and the officer report. The appellant questions the inconsistency of decision making in this instance, in respect of the two schemes.

9. I have compared the two schemes, and they are not as identical as the appellant claims. The design of the approved scheme is simpler in nature, and in my opinion would cause less harm to the character and appearance of the locality.

10. In addition, since that scheme was approved, there has been a new version of the National Planning Policy Framework (the Framework), which has put far more emphasis on quality and design. Paragraphs 126, 130 and 132 of the Framework outline this approach to quality and design and are fundamental to what the planning and development process should achieve.

11. With regard to this scheme, I have found no reason to differ from the reasoning and decision made by the Inspector in the previous appeal. I therefore repeat his reasoning in the paragraph below.

12. Therefore, I conclude the proposal would be harmful to the character and appearance of the main dwelling house and the street-scene. It would conflict with Policy PG3 of the Birmingham Development Plan 2017 which requires new development to reinforce a positive sense of place and local distinctiveness. It would also conflict with saved Paragraphs 3.14C-D of the Birmingham Unitary Development Plan 2005 and the provisions of the 'Extending Your Home, Home Extensions Design Guide 2007 SPD which encourage development that is respectful to its surroundings and that home extensions that fit comfortably with the character of the area, as well as the aims of the National Planning Policy Framework which requires that development adds to the quality of an area.

Conclusion

13. For the above reasons, I dismiss the appeal.

Paul Cooper

INSPECTOR