

Appeal Decision

Site visit made on 9 November 2021 by A J Sutton BA (Hons) DipTP MRTPI

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/P4605/D/21/3279265

93 Summerfield Crescent, Birmingham, B16 0EN

- 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 George and Caroline Dobell against the decision of Birmingham City Council.
 - The application Ref 2021/01470/PA, dated 13 December 2020, was refused by notice dated 2 June 2021.
 - The development proposed is an installation of roof terrace to rear.
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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 Matters

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have had the opportunity to make submissions on this matter, but no substantive comments were made. I have determined the appeal in accordance with the revised Framework.
4. In the interest of clarity, I have used the description of development as detailed in the decision notice.

Main Issues

5. The effect on, the:
 - Character and appearance of the host dwelling and the surrounding area; and
 - Living conditions of the occupants of 91 and 95 Summerfield Crescent, in respect to privacy.

Reasons for Recommendation

Character and Appearance

6. The appeal property is a late Victorian/early Edwardian, semi-detached dwelling, and its architectural style is typical of that period. Although most of

the architectural interest is found at the front of the property, positive features are discernible at the rear. Here, despite alterations, it is possible to appreciate the vertical emphasis of the dwelling. There is a single storey extension to the rear outrigger of No 93, that harmonises with the two-storey form. The pair of the appeal property, No 95, has a similar extension. However, at this property, the roof is flat and is used as a terrace. Although surrounding properties have been altered, I saw no other changes of this kind in the immediate vicinity of No 93.

7. The Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It requires that developments, amongst other matters, should be visually attractive and sympathetic to local character. Development that is not well designed should be refused. Policies of the Birmingham Development Plan (Development Plan) and Birmingham Unitary Development Plan (UDP) and guidance set out in Supplementary Planning Documents (SPD) were adopted some time before this version of the Framework. However, they are generally consistent with the requirement to secure high quality design.
8. The proposed development would flatten the roof of the single storey extension to create a terrace area. The resultant horizontal form would cut part width through the rear of the dwelling and would unacceptably alter the existing sympathetic addition. This would be at odds with the vertical emphasis of the dwelling's original design and would harmfully disrupt the existing rhythm of forms at the rear of the property. The proposed large opening at first floor level would accentuate the incongruous feature and would fail to balance with the existing fenestration. These uncharacteristic changes would detrimentally erode the architectural style which positively contributes to the appearance of the property and, in turn, the character of the area.
9. No planning history has been submitted in respect to the existing terrace at No 95 and the consideration of whether it is lawful is outside the scope of this appeal. The proposal before me would match this feature. However, the resultant symmetry would further diminish the local character of properties in this area. Indeed, it would amplify the visual harm of this existing alteration and therefore this matter would not weigh in favour of this proposal.
10. The harmful effect to the appearance of the dwelling and character of the area would be localised to the rear. However, given the dwelling's elevated position it would be visible from the rear gardens of nearby properties and the footpath at the rear of the property. The appreciation of the property's original character, from these vantage points, would be significantly lessened by the unsympathetic addition.
11. Drawing the above together, the proposal would have a harmful effect on the character and appearance of the host dwelling and the surrounding area. It would conflict with policy PG3 of the Development Plan, Paragraphs 3.14C-D of the UDP and guidance set out in Extending Your Home SPD which, consistent with the Framework, collectively state that new development will be expected to demonstrate high design quality contributing to a strong sense of place.

Living Conditions

12. Properties in the area are close knit and set in a linear pattern of development. The side boundary with No 91 comprises a brick wall near the dwelling and high mature vegetation which substantially screens most of the rear garden at that property. The boundary with No 95 also has a combination of wall and vegetation, which is maintained at a lower height than is the case at No 91 and is therefore more open at this aspect.
13. The proposal would bound the existing terrace at No 95 and there would be no screening at this shared boundary. This would also allow close and uninterrupted views from the proposed terrace into the first-floor window of No 95. The room, which this window serves, would be considerably less private as a result. Moreover, the sizeable terrace would allow open views over the rear garden space of No 95. Whilst a degree of overlooking already occurs, any remaining sense of privacy would be diminished by the projecting terrace which would allow elevated and open views at the common boundary. Occupants of No 95 would experience an increased sense of being overlooked and their rear garden space would feel significantly less private as a result.
14. The outriggers at Nos 91 and 93 are fanned out from each other, and these dwellings are consequently less close knit than surrounding properties. The proposal would be set away from the shared boundary with No 91, but this would be a shorter distance of separation than advised in the Extending Your Home SPD. However, given the layout of the dwellings and the height and solidity of the boundary, the terrace would not significantly alter the existing levels of privacy currently enjoyed by occupants of this property when using their rear garden. Therefore, the proposal would not at this aspect conflict with a main principle of the SPD which seeks development that does not adversely affect the neighbours.
15. However, the proposal would cause an unacceptable loss of privacy at No 95 for the reasons outlined above. Although, the current occupants of this property have raised no issue, I must consider the effect on existing and potential occupants of the neighbouring dwelling, and I attached limited weight to this matter.
16. The appellants propose a screen to address the issue of overlooking. However, no detailed plans have been submitted and therefore this appeal is determined strictly on the merits of the scheme before me. Moreover, it would not be reasonable to deal with this matter by means of condition as to amend the proposal may deprive those who should have been consulted on the changes, the opportunity of consultation.
17. Therefore, although it would not result in harm to the living conditions of occupants of No 91, I conclude that the proposal would have a harmful effect on the living conditions of the occupants of 95 Summerfield Crescent, in respect to privacy. It would conflict with policies PG3 of the Development Plan and Paragraph 3.14C of the UDP which seek high design quality and requires regard to the development guidelines set out in "Places for Living SPD."
18. The proposal would be inconsistent with the guidance of the Places for Living SPD, which main principles include ensuring safe places and private spaces, elucidating at Appendix A that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and

amenity. The proposal would also be contrary to design policies of the Framework which require a high standard of amenity for existing and future users.

Other Matters

19. Improved views of the reservoir are a benefit limited to the occupants of the dwelling and this factor would not outweigh the harm identified in this case. The proposal would not provide additional living space and would not lead to a more efficient use of the plot, and therefore this issue does not weigh in favour of the appeal.
20. I agree with the appellants that policy TP27 of the Development Plan, which relates to new housing in Birmingham, is not relevant given the nature of this proposal and therefore this policy has not been decisive in this case.

Conclusion and Recommendation

21. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and agree with the recommendation. The appeal is therefore dismissed.

George Baird

INSPECTOR