
Appeal Decision

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

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/P4605/D/21/3277202

54 Sir Richards Drive, Birmingham, B17 8SS

- 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 Dr Arora against the decision of Birmingham City Council.
 - The application Ref 2020/09876/PA, dated 10 December 2020, was refused by notice dated 21 April 2021.
 - The development proposed is a Loft Conversion.
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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. The appellant has drawn my attention to an alternative scheme. Details of the scheme are limited to a front elevation drawing. However, this shows a front dormer which is a significant change to the drawings which formed the basis of the planning application. Accordingly, I find under the principles established by the Courts in *Wheatcroft*,¹ that to consider such a modification would deprive those who should have been consulted on the change, the opportunity of such consultation. For this reason, this recommendation is strictly based on the drawings submitted with the planning application.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the dwelling and the surrounding area.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Reasons for Recommendations

6. The appeal property is a detached dwelling which fronts Sir Richards Drive. It is part of a late 20th Century residential estate comprising detached properties with varied design details and a staggered building line which curves with the Drive. The plan form of generous size dwellings set back from the road and the consistent use of materials positively unifies the built environment in the estate. Pitched roof forms and chimney stacks are also common unifying features which help shape the distinct local character. I saw on site, that although the roofscape near No 54 is varied, with a mix of shallow pitches, sharp chalet forms and catslide elements, main roof ridges immediately surrounding the property are of a similar height, and this contributes, along with features identified above, to a coherency in the built form in this part of the street.
7. This steep form of the extended roof would be similar to the deep pitch on the chalet style property at no 52. However, regardless of the slightly sloping ground level and small differences in existing ridge heights of the respective dwellings, the evidence before me illustrates that the proposed altered roof would significantly protrude above the roof ridges of Nos 52 and 56. This would unacceptably disrupt the generally consistent roof line in the immediate area, and, in doing so would appear an incongruous and dominating feature at this central position, in the row of properties. Moreover, the existing chimney stacks of the dwelling would be visually absorbed by the extended roof plane and gable forms and this would erode the original design quality of the dwelling. Consequently, the unsympathetic alteration to the appearance of the dwelling would diminish positive unifying characteristics and disrupt the coherency in built form in the immediate area. The use of matching materials would not minimise the harm identified.
8. The development would be partially screened to the east by the curve of the drive and the appeal property's recessed position behind No 56. However, the inharmonious change would be apparent from the pavements fronting and immediately opposite No 54 and from the corner of the green space at the junction of Leigham Drive. It would also be clearly visible when approaching from the west at the junction with Winchfield Drive, where the street levels out somewhat towards the appeal property. From these localised views the proposed extended dwelling would appear a distinct and odd feature in this section of the street and would fail to contribute to a strong sense of place. It would as a result be detrimental to the local character of the area. Trees on the verge are set away from the dwellings and would therefore not sufficiently obscure this harmful visual change.
9. For the reasons outlined I therefore conclude that the proposal would be of a poor design and would be harmful to the character and appearance of the dwelling and the surrounding area. It would conflict with policy PG3 of the Birmingham Development Plan and Paragraph 3.14C–D of the Birmingham Unitary Development Plan, which collectively state, amongst other matters, that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. It would also in this regard be inconsistent with guidance in the Extending Your Home Supplementary Planning Document, which seeks housing extensions that respect the appearance of the local area and the home, and the design policies of the Framework.

Other Matters

10. Although there is some dispute, both parties agree that the roof increase at Nos 34 and 36 is just less than that which would result from this proposal. These properties are also separated by Winchfield Drive and on land that is higher than the ground near No 54. Therefore, changes to these properties are viewed in a different context than is applicable to the appeal property. I also observed that these examples have chimney stacks above the roof and the design of these developments are therefore different in this regard from this proposal.
11. I saw at the site visit a similar roof alteration at the dwelling on the corner of Winchfield Drive but have no details of the circumstances which led to this development. However, this property does not front Sir Richards Drive and the context therefore differs from the appeal property for this reason.
12. In these respects, roof alterations at these properties are sufficiently different and not directly comparable with the proposal before me and I have attached limited weight to them accordingly.
13. The appellant's submission states that the proposed height increase is necessary to address building regulations. However, I am not persuaded by the submitted evidence or by what I observed in the property that this harmful proposal would be the only option to address the appellant's family needs whilst satisfying these regulations. Therefore, this matter does not weigh in favour of this proposal.
14. I have had regard for the family circumstances of the appellant, however it is likely that the proposal is not the only solution to provide additional accommodation at the property. A recommendation to dismiss this proposal which conflicts with Local Plan policy, would not unduly restrict the appellant's ability to devise a less harmful scheme that would address his family's needs and provide suitable accommodation for visiting family. This matter has had limited weight in this appeal for this reason.

Conclusion and Recommendation

15. 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

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

RC Kirby

INSPECTOR