



Appeal Decision

Site Visit made on 1 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/P4605/W/21/3266242

38 Bilton Grange Road, Birmingham B26 2LB

- 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 Sarjit Jandu against the decision of Birmingham City Council.
- The application Ref 2020/05084/PA, dated 5 July 2020, was refused by notice dated 10 September 2020.
- The development proposed is described as a "double storey extension to side and rear of house (Single storey by adjoining house). Replacement of all windows. Render to front and side of house to match existing render colour on existing house. New roof tiles with new velux windows in roof. House to stick within council Planning & Regulation guidelines."

Decision

1. The appeal is allowed and planning permission is granted the erection of two storey side and rear extensions at 38 Bilton Grange Road, Birmingham B26 2LB in accordance with the terms of the application, Ref 2020/05084/PA, dated 5 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: BG01-LJA-XX-XX-DR-A-900 Rev A; BG01-LJA-XX-ST-DR-A-901 Rev A; BG01-LJA-XX-ZZ-DR-A-2100 Rev A; BG01-LJA-XX-ZZ-DR-A-2001 Rev A; and BG01-LJA-XX-ZZ-DR-A-2000 Rev A.
 - 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 building.

Preliminary Matters

2. The description of development as stated on the application form is set out above. The Council on the decision notice has described the development as the erection of two storey side and rear and single storey rear extensions. As amended plans were submitted during the application process which omitted the single storey extension, neither description of development is accurate. I have therefore considered the appeal on the basis of the amended plans which show a two storey side and rear extension and this is reflected in my formal decision above.

Main Issue

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

Reasons

4. The appeal property forms the left hand half of a pair of two-storey semi-detached houses. The building is typical of the development in the surrounding area, the street scene of which is generally characterised by evenly spaced pairs of semi-detached dwellings that are aligned in an ordered manner. Bilton Grange Road has a strong building line with properties set back from the highway with garden/parking space to the front. These characteristics, along with the generally broad width of the highways, combine to give the street scene a strong rhythm and spacious feel. The appeal property is a corner plot with Leabrook to its side. Leabrook has dwellings running from the rear of the appeal site that are set back from the highway.
5. The housing along Leabrook has a consistent building line, which the proposed side extension would breach. However, a large garage to the rear of the appeal site and a single storey extension on the appeal property, and to some extent the appeal property itself, already breaches this line. Moreover, a building on the opposite corner of Leabrook and Bilton Grange Road is constructed up to the pavement edge.
6. When travelling along Leabrook from Bilton Grange Road, as well as the long rear garden of the appeal property, there is also a side access prior to the first property on the right hand side of Leabrook. This helps to separate the housing on Bilton Grange Road and Leabrook in visual and physical terms, and as such, I consider that the appeal property is more related to development along Bilton Grange Road than Leabrook, which appears to be a later addition to the area.
7. The proposal would be no wider than the existing single storey extension, and when combined with the distance between the proposal and the dwellings on Leabrook would be seen as part of development along Bilton Grange Road and would not have a harmful impact on the character and appearance of the street scene. Whilst the proposal would bring the dwelling close to its side boundary the front garden area would be retained. There would be a small loss of space to the side of the host dwelling, however this has a neutral impact on the existing street scene, which gains its spacious feel from the setback of properties from the highway along Bilton Grange Road.
8. The proposal has been designed to be in keeping with the area, and whilst it would not be set down, it would continue the existing ridge line and roof form. The proposed use of red brick and render, materials that are prevalent in the area, would ensure that the proposal would be in keeping with its surroundings and with the host property itself. Given the development on the opposite corner of Leabrook and Bilton Grange Road and the corner plot nature of the host property, I also do not consider that the development would appear out of scale with the host property or dominate this building.
9. Consequently, I find that the proposal would not harm the character and appearance of the area or host dwelling. I find no conflict with Birmingham Development Plan (2017) Policy PG3 and Birmingham Unitary Development Plan (2005) saved paragraphs 3.14C and 3.14D and the guidance contained

within the Home Extensions Design Guide Supplementary Planning Document (2007) which seek, amongst other things, to ensure that development respects the local character of an area and complements the scale and style of host and nearby housing. I also find no conflict with paragraphs 130 of the National Planning Policy Framework which seek good design sympathetic to local character.

Other Matters

10. Third parties raised concerns during the application process regarding potential impacts of overshadowing and that the proposal was overly intensive. I note that during the course of the application that amended plans, removing a single storey element, were submitted to overcome the concerns relating to overshadowing which were also raised by the Council. I agree with the Council that the removal of this element ensures that there will be no overshadowing to neighbouring properties. I also consider that sufficient amenity space would be retained by the proposal for future occupants of the proposal.

Conditions

11. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). A condition relating to the adherence to plans is necessary in the interest of clarity. With regards to the condition relating to matching materials, I consider this necessary as the colour of the render is not stated on the submitted plans. I have altered the wording of some conditions in order to ensure they comply with the PPG.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all material considerations, I conclude that the appeal should be allowed.

Tamsin Law

INSPECTOR