



Appeal Decision

Site visit made on 5 January 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/P4605/D/21/3285810

89 Wattville Rd, Birmingham B21 0DL

- 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 M Ahmed against the decision of Birmingham City Council.
 - The application Ref 2021/06108/PA, dated 6 July 2021, was refused by notice dated 1 September 2021.
 - The development proposed is described as 'retrospective planning for dormer loft conversion'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out above is taken from the application form. The Council's decision notice and the appeal form refer to the appeal scheme as being the retention of rear dormer window and installation of rooflights to front. This is a more accurate reflection of the development for which planning permission has been sought and have considered the appeal accordingly. It is implicit from both descriptions that the appeal seeks retrospective planning permission since works have been carried out.
3. The appellant has forwarded their costs incurred in the submission of the appeal although they have not made a formal costs application or indeed alleged any unreasonable behaviour on the Council's part. I have not therefore considered this matter further.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and area.

Reasons

5. The appeal property is a mid-terraced two-storey dwelling in amongst others of a similar modern design and scale. Some have been extended to the front and rear. The terrace's consistent and largely unaltered roofline reinforces its design and scale, contributing positively to its character and appearance.
6. The dormer window sits level with the building's ridge and occupies almost the entire rear roof plane. This not only dominates the building and makes it appear top heavy, but also interrupts the unbroken consistency of the terrace's roofline. The dormer isn't immediately obviously in the public realm although clear and obvious views of it are available from neighbouring gardens and

Wattville Avenue. The development therefore causes harm to the character and appearance of the host dwelling and the area. The use of materials to match the roof and the building are a positive aspect of the development but they would not be sufficient to reduce the adverse effects of its size and scale.

7. For the reasons above, I find the development conflicts with the relevant elements of Policy PG3 of the Birmingham Development Plan (2017), saved paragraphs 3.14C and 3.14D of the Birmingham Unitary Development Plan (2005) and the guidance contained within Birmingham City Council's Extending Your Home Supplementary Planning Document (2007) which seek, amongst other things, to ensure that all new development responds to site conditions and the local area context. The appeal scheme would also be contrary to paragraph 130 of the National Planning Policy Framework that seeks good design sympathetic to local character.

Other Matters

8. There are other examples of dormer windows in the area, including a small one to the front of the neighbouring dwelling. These are however in the minority and much smaller in scale. In any event, I do not have full details that led to these proposals being accepted. I have therefore determined the appeal on its own merits.
9. I note the comments made by the appellant regarding examples of similar extensions in the area that do not benefit from planning permission and a perceived lack of enforcement by the Council. However, this would be a matter for the Council to address as necessary. Some changes to a dwelling would also normally be permitted without the need for express planning permission but this does not appear to be the case for the appeal site.
10. There are evidently benefits of the scheme in terms of the additional internal space created for the family. I also note the points raised that the appellant's points that they were unaware of the requirement for planning permission, they consider the removal of permitted development rights to be onerous and the financial and health implications of undertaking further building work. I recognise the points raised and understand the appellant's rationale for the development. Nevertheless, those are essentially personal benefits and impacts that could be overcome by other means, and my decision focusses on the public acceptability of the scheme. Moreover, I have not seen any compelling evidence indicating that the scheme before me is the sole means of achieving additional space. As such, I am not led to allowing the appeal.

Conclusion

11. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant considerations, the appeal should be dismissed.

Tamsin Law

INSPECTOR