



Appeal Decision

Site visit made on 18 January 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/P4605/D/21/3287324

56 Kirkwood Avenue, Birmingham B23 5QQ

- 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 Peter Naven against the decision of Birmingham City Council.
 - The application Ref 2021/06978/PA, dated 6 August 2021, was refused by notice dated 25 October 2021.
 - The development proposed is described as "single storey rear extension also a front facing dormer loft conversion".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of occupiers of 54 Kirkwood Avenue (No 54) in terms of outlook and light.

Reasons

Character and appearance

3. The appeal property is a dual-pitched roofed house in a residential area including dwellings of similar age and style. It is located on a drive at the end of a cul-de-sac but faces onto a sizeable grassed open space.
4. The proposed dormer would project out from the front roof slope. It would have a flat roof level with the main roof ridgeline and it would extend across most of the width of the building. As a result, it would be seen as a large box-like addition and it would lead to an insensitive, top-heavy appearance to the front of the property.
5. The existing dormer on the rear roof slope is largely hidden from public views by adjacent buildings. In contrast, the proposed dormer would be highly noticeable as it would be seen from the grassed area and its surroundings. Also, it would be incongruous as the local houses tend to have uninterrupted pitched roofs with no additions. By virtue of its prominence and incongruity, the dormer would not respect the surrounding built environment.
6. It is suggested that a smaller dormer addition would address the concerns over the proposal's appearance. However, the appeal process should not be used to evolve a scheme and it would be inappropriate to base my assessment on a different development to that shown on the appeal plans.

7. The proposed rear extension would have no effect on the street scene. However, for the above reasons, I conclude the development as a whole would harm the character and appearance of the area. In these regards, it would not accord with policy PG3 of the Birmingham Development Plan 2017 (DP) and saved paragraphs 3.14 C and D of the Birmingham Unitary Development Plan 2005 (UDP). Amongst other things, these aim to ensure new development responds appropriately to the local context.

Living conditions of occupiers of No 54

8. Saved paragraphs 8.39 to 8.43 of the UDP sets out a 45° code for house extensions to help ensure development does not seriously affect the outlook or daylight of neighbouring properties. The Council's concern relates to the effect of the proposed rear addition on No 54's rear ground floor window closest to the appeal property. In light of its depth of projection and position on the common boundary, it is clear the extension would be beyond the 45° line and so it would not comply with the code.
9. The extension would be attached to an existing garage which already breaches the 45° line. However the proposal would significantly increase the length of projection beyond No 54's window. Also, while it would be single storey, the addition would be taller than the existing boundary fence. Given its height and position on the boundary, the extension would be highly noticeable from the neighbouring property. As such, it would result in an additional sense of enclosure in views from No 54's window and would increase overshadowing.
10. The Council indicates that the affected window serves No 54's dining room while the appellant suggests it serves a utility/office. In the absence of any conclusive evidence from either party there is uncertainty on the issue. However, even if I accepted the appellant's suggestion, it would seem likely that the affected window serves a room that is at least partly used for activities such as home working where outlook from the window and natural light would be expected. Therefore, the proposal's impacts would cause detriment to the living conditions of the occupants of No 54. The lack of objections from local residents fails to address my concerns on this matter.
11. The appellant has indicated that the side of the extension would be finished in materials that have been agreed by No 54's occupants. However, this would not satisfactorily address the adverse impacts. As such, I conclude the development would harm the living conditions of occupiers of No 54 in respect of loss of outlook and access to light. In these regards, it would not accord with DP policy PG3 as well as paragraphs 3.14C and 8.39 to 8.43 of the UDP.

Conclusion

12. For the above reasons, the proposal would not accord with the development plan policies when read as a whole. There are no factors that would justify granting planning permission contrary to the provisions of the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR