



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: 25 January 2022

Appeal Ref: APP/P4605/W/21/3283103

10 Linwood Road, Handsworth, Birmingham B21 9HT

- 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 Harwinder Banga against the decision of Birmingham City Council.
 - The application Ref 2021/01543/PA, dated 22 February 2021, was refused by notice dated 16 June 2021.
 - The development proposed is first floor side extension to new dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Harwinder Banga against Birmingham City Council. This is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the header above is taken from the application form. On my visit I saw that the "new dwelling" was still under construction. Planning permission exists for the erection of a house on the site (hereafter referred to as the approved scheme) and I have had regard to the drawings which show how it would look when completed.
4. The description refers to a first floor side extension. However, the appeal plans indicate a 2 storey high addition with an open sided area at ground floor level and internal living space above. My assessment is based upon the details as shown on the submitted drawings.

Main Issues

5. The main issues are (i) the effect of the development on the character and appearance of the area, and (ii) whether it would provide acceptable living conditions for future occupiers in terms of the quality and quantity of garden.

Reasons

Character and appearance of the area

6. Linwood Road is a largely residential urban street with Victorian terraced housing along each side. The appeal site is at the end of a long row of dwellings at the junction of Linwood Road and Dawson Road.

7. The open sides of the ground floor of the extension would give the impression of the first floor being on stilts. This would be an unusual feature alongside the traditional terraced housing in the street. Also, the extension would be in a prominent corner location and the top part of the open-sides of the ground floor elevations would be visible over the proposed boundary wall from the highway to the front, side and rear. The upper floor of the extension would replicate the design features of the approved scheme and other local dwellings. However, the ground floor would fail to respect the traditional style and largely consistent appearance of buildings along Linwood Road.
8. The development would lead to a loss of the site's openness compared to the approved scheme. However, when viewed from the front a gap would remain to the pavement to the side. Moreover, the terraces form a continuous line of buildings close to the highway. In such a context, a house stretching across most of the plot width and near to the side boundary would not appear cramped. However, acceptability in this respect does not address the incompatibility of the ground floor element of the scheme.
9. For the above reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with policies PG3 and TP27 of the Birmingham Development Plan 2017 (DP) and saved paragraphs 3.14 B to D of the Birmingham Unitary Development Plan 2005 (UDP). Amongst other things, these seek to ensure development reinforces local distinctiveness and represents high quality design.

Living conditions

10. The appellant contends that the proposal would not affect the amount of garden compared to the approved scheme as its ground floor element would be open-sided. The Council argue the covered area should not be treated as part of the garden.
11. The Council's Places for Living Supplementary Planning Guidance 2001 (SPG) sets out minimum standards on the amount of garden space that should be provided for houses of different sizes. The SPG provides no advice on whether covered areas such as that proposed should be included. However, given its open sided nature, the ground floor of the extension could be utilised for typical garden activities such as drying clothes, sitting out and storage of domestic items. As such, it is reasonable to treat it as part of the outdoor space to serve the dwelling.
12. The garden would be smaller than others in the locality and of an unconventional shape. However, the Council do not dispute the scheme would comply with the SPG's standards if the covered area is included as part of the garden. Moreover, the plans show storage space for bins as well as other uncovered outdoor areas. Provided the ground floor element of the extension remains open sided, there would be sufficient space to move around the whole of the garden. It would be reasonable to secured this through the imposition of a planning condition.
13. For these reasons, I conclude the development would provide acceptable living conditions for future occupiers in terms of the quality and quantity of private garden space. In these regards, it would accord with DP policies PG3 and TP27, the SPG and UDP paragraph 3.14C. Amongst other things, these seek the provision of attractive and functional private external spaces.

Other Matters

14. The proposal would make effective use of a site in an urban area. However, the development would only increase the amount of living accommodation compared to the approved scheme and would not lead to extra dwellings. As such, the benefits in these regards attract limited weight.

Conclusion

15. The proposal would be acceptable in terms of the second main issue. However, due to the harm identified in respect of the first main issue, it would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR