
Appeal Decision

Site visit made on 1 March 2022 by G Sibley MPLAN MRTPI

Decision by A Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2022

Appeal Ref: APP/P4605/D/22/3290600

98 Linden Road, Birmingham B30 1LA

- 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 D Lawlor against the decision of Birmingham City Council.
 - The application Ref 2021/07766/PA, dated 6 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is erection of a single-storey rear extension, two-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single-storey rear extension, two-storey side extension at 98 Linden Road, Birmingham B30 1LA in accordance with the terms of the application, Ref 2021/07766/PA, dated 6 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1929 PL00 Site and Location Plan; and 1928 PL04 Proposed Plans and Elevations.
 - 3) Samples and / or details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be implemented in accordance with the approved details.

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 Matter

3. The Development Management in Birmingham Development Plan Document (DMB) was adopted (2021) after the application was determined. Both parties have been given the opportunity to submit comments on the policies that they consider to be relevant to the appeal. The policies referred to in the decision notice from the Birmingham Unitary Development Plan (adopted 1993) have been superseded by the those in the DMB.
4. The site lies within the Bournville Village Conservation Area (CA).

Main Issues

5. Accordingly, the main issues are:

- whether the proposal would preserve or enhance the character or appearance of the Bournville Village Conservation Area
- the effect of the proposal upon the living conditions of the occupiers of No 100 Linden Road with regard to outlook and light.

Reasons for the Recommendation

Character and appearance

6. The dwellings along this section of Linden Road are generally two storey semi-detached properties with gabled roofs set within relatively large plots which creates a spacious gap between the semi-detached pairs. The Council's Supplementary Planning Guidance Bournville Conservation Area Design Guide (CADG) states that the houses here were built in a wide variety of designs, but all blend together because similar materials, scale and architectural designs were used. The dwellings along Linden Road are characteristic of this with some variation in the appearance of each semi-detached pair. Some of the dwellings along this section of Linden Road have windows on the flank walls but this is not a common feature on all dwellings in the immediate area. Therefore, the scale, materials used, and the architectural design of the dwelling positively contributes to the significance of the CA, as a whole.
7. The single storey element to the rear would replace an existing smaller extension and its scale and appearance would be subordinate to the host dwelling. Furthermore, due to its position it would not be prominently visible in views into the site. As a result, it would not harm the appearance of the dwelling.
8. The side extension would be significantly narrower than the building and would be set back from the front elevation and below the ridge of the main roof. Consequently, the scale of the extension would be subordinate to the host dwelling and would not unbalance the semi-detached pair. Moreover, the limited width of the extension would retain the gap between the two properties.
9. The walls and roof of the side extension are proposed to be constructed from materials to match the host dwelling. Furthermore, the side extension would include white painted timber windows, the form and proportions of which would comply with the advice contained within the CADG. Consequently, the materials proposed would reflect the predominantly used materials in the CA and the host dwelling and would not harm the appearance of the dwelling.
10. The roof of the side extension would a similar pitch to the host dwelling, but the ridge of the roof would be built in line with the rear roof slope and thus would not align with the ridge of the host dwelling. The extension would be located to the side of the dwelling and as such would not be particularly visible within the street scene. Moreover, given that the roof would be set below the ridge of the host dwelling, the scale of the extension would not appear discordant with the host dwelling nor would the alignment of the roof harm the important characteristics of the dwelling.

11. The CADG identifies original windows as an important part of the character of properties and should be retained. However, it does not state that windows on the flank walls are a specific feature of the CA. Whilst the proposal would obscure the original openings on the side elevation, within the immediate street scene the type and number of windows on the flank walls varies and there is little consistency in terms of the appearance of the flank walls of the houses. Given the variation of the appearance of the flank walls within the CA, the introduction of a blank flank wall would not significantly change the dwelling's appearance or its contribution to the CA. Overall, the design of the side extension would not harm the dwelling's contribution to the CA, as a whole.
12. Therefore, the proposed extensions would not harm the character and appearance of the host dwelling and thus would not harm the special interest or significance that the host dwelling contributes to the CA. As a result, the proposal would preserve the character and appearance of the CA, as a whole. The proposal would comply with Policies PG3 and TP12 of the Birmingham Development Plan 2031 (BDP) (adopted 2017). These policies expect proposals to be designed to respond to site conditions and local area context including heritage assets. Furthermore, the proposal would generally accord with the advice within the Places for Living Supplementary Planning Guidance (2001) (SPG1) and the Extending Your Home - Home Extensions Design Guide Supplementary Planning Guidance (2007) (SPG2) insofar as these expect extensions to respect the appearance of the local area and your home. Finally, the proposal would accord with the general design and heritage policies of the National Planning Policy Framework (the Framework).

Living conditions

13. SPG1 and SPG2 states that there should be a minimum 12.5 metres (m) separation distance between windowed elevations. Given that the affected window is situated on a flank wall that faces the flank wall of another dwelling, the separation distance is already below the 12.5m advised within the two SPG's. Nevertheless, both SPG's state that the purpose of the numerical standards was to be a useful guide and that the aim of the standards and the guides themselves was to ensure that proposals would protect the neighbours' enjoyment of their home and that careful design rather than a blanket application of numerical standards can often address concerns such as privacy and amenity.
14. The existing view from the first-floor flank window of No 100 is of the flank wall of No 98. The two dwellings have windows that face each other and thus the occupiers of both dwellings have a direct view into each bedroom. The proposal would remove the flank windows on No 98 and would remove this intervisibility between the two dwellings which would be a benefit of the scheme and would create a more private outlook for the occupiers of both houses.
15. The side extension would be set in from the front elevation and below the ridge of the roof. Therefore, the extension would not increase the profile of the dwelling when viewed from No 100. Furthermore, No 100 is built at a higher ground level and because of this No 98 does not occupy the full outlook from the flank bedroom window, with a substantial proportion of the view looking over the neighbouring dwelling. Given the scale of the side extension it would not significantly erode this outlook. Consequently, the proposal would not

enclose the outlook from this window to such a degree that it would create a less pleasant and usable space for the occupiers of No 100.

16. The flank window is the only window that provides light to this habitable room. The side extension would bring the flank wall closer to this window but would be shorter than the host dwelling. Given the separation distance, combined with the difference in height between the two dwellings, the side extension would not significantly disrupt the amount of daylight and sunlight that the room currently receives.
17. Therefore, the proposed side extension would not harmfully enclose the outlook, or the light received from the first-floor flank window and thus would not harm the living conditions of the occupiers of No 100. Consequently, the proposal would protect the neighbours' enjoyment of their home and would comply with Policies PG3 and TP27 of the BDP as well as Policies DM2 and DM10 of the DMB. These policies alongside SPG1 and SPG2 expect development to ensure proposals do not spoil your neighbour's enjoyment of their homes through loss of daylight, loss of outlook from their home or loss of privacy. Finally, the proposal would accord with paragraph 130 f) of the National Planning Policy Framework which states that developments should create places with a high standard of amenity for existing and future users.

Conditions

18. Further to the statutory commencement condition it would be necessary in the interests of certainty for the development to be carried out in accordance with the approved plans. Furthermore, it would be necessary in the interests of preserving the character and appearance of the dwelling and the CA for the surface materials to be submitted to the Local Planning Authority prior to their use.

Conclusion and Recommendation

19. The proposal would preserve the character and appearance of the CA, as a whole and would accord with the development plan, as a whole. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree and shall allow the appeal.

A Jordan

INSPECTOR