



Appeal Decision

Site visit made on 12 April 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/P4605/D/21/3287072

47 Phipson Road, Birmingham, B11 4JE

- 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 Nadeem Tariq against the decision of Birmingham City Council.
 - The application Ref 2021/03624/PA, dated 21 April 2021, was refused by notice dated 14 October 2021.
 - The development proposed is Erection of single storey side extension and alteration of existing roof to create mansard roof.
-

Decision

1. The appeal is dismissed insofar as it relates to the alteration of existing roof to create mansard roof. The appeal is allowed insofar as it relates to the erection of single storey side extension and planning permission is granted for the erection of single storey side extension at 47 Phipson Road, Birmingham, B11 4JE, in accordance with the terms of the application, Ref 2021/03624/PA, dated 21 April 2021, so far as relevant to that part of the development hereby permitted and 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: Dwg Nos: 21-145-001 Rev A, 21-145-002 Rev A, 21-145-003 Rev A, 21-145-004 Rev A, 21-145-005 Rev A, 21-145-006 Rev A, 21-145-007 Rev A, 21-145-008 Rev A, 21-145-009 Rev A, 21-145-010 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this gives a clear description of the type of development proposed which reflects that used by the Council in their decision notice.
3. Subsequent to the refusal of permission for the proposed development the Development Management in Birmingham Development Plan Document (2021) was adopted in December 2021. It replaces the Birmingham Unitary Development Plan 2005. I have therefore referred to the relevant policies in the recently adopted plan.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the existing house and the surrounding area.

Reasons

5. The appeal property is a detached 2 storey house in a residential area comprising a mix of 2 storey semi-detached and terraced housing. It is close to a junction and consequently on one side it shares its boundary with the rear gardens of houses on Yardley Wood Road. On the other side, it sits forward of the neighbouring property. As a result, despite hedges and trees along the side boundary and in the front garden, its gable end is visible travelling along the road towards the junction. The roof is dual pitched and because the road is on a hill it is lower than the roof on the neighbouring house.
6. The proposal is to replace the existing roof with a mansard roof with 8 vertical emphasis windows creating a second floor providing additional bedrooms and a bathroom. A single storey flat roofed side extension is also proposed.
7. The appellant has referred to different roof forms and heights on houses within the street, which comprise hipped roofs on semi-detached houses and pitched roofs on terraced houses. I also note that the appeal property is different because it is detached and does not share common design characteristics with other houses in the street. Nonetheless, there were no mansard roofs in the area. Roof lights on other properties in the street indicated accommodation in their roof space, but they still retained the appearance of 2 storey houses. The mansard roof would appear bulkier than the existing roof and the vertical emphasis windows give the appearance of a third storey being added to the house. Even though it would be no higher than the roof on the neighbouring property, it would appear out of character with the existing dwelling and incongruous and out of context with the street scene. I therefore conclude that the proposed mansard roof would conflict with the aims of Policy PG3 of the Birmingham Development Plan (2017), Policy DM2 of the Development Management in Birmingham Development Plan Document (2021), Extending Your Home - Home Extensions Design Guide Supplementary Planning Document (2007) and the National Planning Policy Framework (2021) which require high quality design that responds to site conditions and the local area context.

Other Matter

8. The proposed side extension is subservient to the main dwelling and would fill an area of hardstanding. It would have no effect on the living conditions of occupiers of the neighbouring house as there would be no overlooking or effect on the outlook from, or light to, their property. Because of its position set back behind the front garden, and the screening effect of hedges and trees, it would cause no harm to the character or appearance of the host property or wider area. I therefore agree with the assessment in the Council's Officer Report that it would, on balance, be an acceptable form of development. As it is physically and functionally severable from the roof extension, I consider a split decision would be appropriate to allow planning permission for this element of the proposal.

Conclusion and Conditions

9. For the reasons given above, I conclude that the appeal should succeed in relation to the erection of a single storey side extension. However, in relation to the proposed alteration of the existing roof to create a mansard roof, the appeal should be dismissed.
10. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

P D Sedgwick

INSPECTOR