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# Appeal Decision

Site visit made on 21 June 2022

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 August 2022**

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**Appeal Ref: APP/P4605/W/21/3286976**

**119 Ravenshill Road, Birmingham B14 4HG**

- 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 Mohammed Imran Arif against the decision of Birmingham City Council.
  - The application Ref 2021/05707/PA, dated 16 July 2021, was refused by notice dated 29 October 2021.
  - The development proposed is described as "double storey side extension, proposal of porch. Also, proposal to change use of existing domestic dwelling into 2 no. flats. Ground floor – 1no. bedroom, 1<sup>st</sup> floor – 2no. bedroom."
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the planning application form. It differs from that on the appeal form and the decision notice which is 'change of use from dwellinghouse to 2no. flats and erection of two storey side and single storey front extensions.' My decision is based on this description, since it more accurately described the proposal.
3. The Council's decision notice partly refers to saved policies in the Birmingham Unitary Development Plan (adopted 2005). These policies have now been replaced by the Birmingham Development Plan (2017) (BDP) and the Development Management in Birmingham Development Plan Document (2021) (DPD). The relevant policies of the DPD were referred to in the Council's decision notice and officer report, and consequently no parties have been prejudiced by me having regard to this policy in reaching my decision. I have determined the appeal in regard to the development plan at the time.
4. The appellant has submitted amended plans as part of the appeal. However, in the interests of fairness and natural justice, I consider interested parties would be prejudiced by the consideration of the amended plans. My findings therefore relate to the scheme that was determined by the Council.

## Main Issues

5. The main issues are the effect of the proposed development on the city's stock of family sized housing and, the character and appearance of the host dwelling and surrounding area.

## Reasons

### *City's stock of family sized housing*

6. The appeal site comprises a traditional 2-storey semi-detached dwelling at 119 Ravenshill Road (No 119). No 119 contains three-bedrooms and would be of a type and size that could accommodate a family. As such, the property, is a family sized dwelling of 3 bedrooms.
7. Whilst the proposed development would not result in the total loss of residential accommodation, it would result in a loss of a family sized dwelling. Paragraph 4.35 of the DPD states that the Council's Strategic Housing Market Assessment (SHMA) (2013) indicates that the highest net change in the number of homes needed to 2031 is for 3 and 4 or more bedroom housing in the city. According to the Officer's Report, Table 14.6 (pg.105) of the SHMA shows that the second highest net change in the number of homes needed to 2031 is in the three-bedroom category at 27.8%. Therefore, the SHMA identifies a significant need for 3-bedroom housing in the city.
8. Policy TP35 of the BDP aims to make the best use of existing housing stock to prevent the loss of residential accommodation unless there are good planning justifications or an identified social need for an alternative use.
9. I have not been presented with any evidence to justify the loss of a family sized dwelling of 3 bedrooms, nor an identified social need for two self-contained flats within the locality. The change of use from a family sized dwelling into two self-contained flats would result in the loss of a family sized home that makes an important contribution to the city's housing stock. This would be harmful to the local area.
10. Consequently, the proposal fails to accord with Policy TP35 of the BDP (2017), as it would result in the loss of accommodation for which the evidence suggests an undersupply and an identified need for within the city. The proposal also fails to accord with Policy DM12 of the DPD (2021), which seeks to ensure proposals do not result in the loss of existing uses that make an important contribution to Council objectives, strategies, and policies.
11. In addition, the proposal fails to accord with the National Planning Policy Framework (Framework), in particular paragraph 62, which seeks to ensure that there is sufficient supply of homes of appropriate size, type and tenure of housing needed for different groups in the community.

### *Character and Appearance*

12. No 119 is located within a mature residential area consisting of mainly semi-detached properties. The dwellings in the immediate street-scene, on the same side of Ravenshill Road as No 119, are mainly hipped roof design with notable ground floor bay windows, making a positive contribution to the character of the area. As such, there is a degree of visual continuity and uniformity between No 119 and the adjacent neighbouring dwellings on this side of the road.
13. The scale and design of the proposed extension would add substantive bulk to the side of the dwelling, which would appear out of context with the original semi-detached dwelling. Its flat roof form would fundamentally change the appearance of the dwelling, resulting in a block like appearance that would no longer replicate that of the adjacent dwellings. As such, it would become

- visually dominant rather than a complementary feature to No 119, which would appear incongruous and an unbalanced element in the street-scene.
14. No 119 is located next to a vacant plot and near to a road junction. The side of the dwelling, where the extension is proposed, is visible from the road junction. As the proposed extension would occupy the full side elevation, it would be highly visible and prominent within the street-scene when viewed from the junction.
  15. In addition, the proposed brick porch with flat roof to the front elevation would be an incongruous addition and out of keeping with the style of porches to this setting. It would also diminish the appearance of the bay window. Furthermore, the proposal would not replicate the existing architectural features into its design, such as window size or design. This lack of architectural detail and disproportionate approach to fenestration would erode the original and characterful appearance of the property. Consequently, the proposal would harm the character and appearance of the host dwelling and the surrounding area.
  16. I acknowledge that the dwellings directly opposite the appeal site do not have hipped roofs and there is evidence of flat roofs above their garages and small porch areas. However, there is no evidence of flat roof forms at two-storey level and the architectural style of these dwellings is different to that of the appeal property. In addition, the small porch areas are mainly glazed or open, which differs from the appeal proposal.
  17. I have had regard to the existing examples of flat-roofed extensions in the local area. However, none are readily visible within the immediate vicinity of the appeal property, and I have been provided with limited information relating to their planning history. Nevertheless, whatever the background, their existence is not an appropriate justification for permitting the proposed development here. I have therefore dealt with this appeal on its own merits.
  18. The appellant claims that the proposal's design is of standard build and practice and not out of the ordinary. However, for the reasons given above, it has been found that the proposed extension would harmfully affect local character and appearance in conflict with the development plan.
  19. For the reasons given above, the proposal would fail to accord with Policy PG3 of the BDP (2017), which seeks to ensure development respects its surroundings and positively contributes towards the local identity and character of the area. It would also fail to comply with the Council's Places for Living SPG (2001), which seeks to ensure new developments make positive contributions by recognising established design principles. It would also fail to accord with the design objectives of the Framework.

### **Other Matters**

20. Whilst the proposed development would not harm the living conditions of future occupiers or neighbouring occupants, is accessible by public transport, and appears to achieve an acceptable level of floorspace relevant to housing space standards, these considerations do not outweigh the conflict that has been identified with the development plan.

21. I acknowledge that the proposal would be of particular benefit to the appellant given their personal circumstances. However, planning decisions must be made in the public interest and therefore, such personal benefits attract little weight.
22. There were no neighbour objections to the proposal. However, given the permanent nature of the proposal, the effects need to be considered in the long-term. Therefore, the lack of objections from neighbours is a neutral matter that does not weigh in favour of the development.
23. The appellant has referred to advice given by the Planning Officer at application stage. However, the Council state that pre-application advice was not sought prior to submission of the planning application, and it has no record of the fee advice given to the appellant. Notwithstanding this, I do not consider that the advice given has a bearing on the merits of the appeal as a revised scheme would require a new planning permission. As the Council has set out in its statement of case, the requirement for a new fee is in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, Regulation 9, which relates to a planning application made following refusal or when an appeal has been made.
24. The appellant feels aggrieved that the Council referred to the emerging plan during the application process and in the decision notice. However, the Framework indicates that weight may be given to emerging plans. When the Council published its decision notice, the emerging plan was at a relatively advanced stage in its preparation following independent examination. The plan has since been adopted.

### **Conclusion**

25. For the reasons given above, the proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

*Helen Smith*

INSPECTOR