

Appeal Decision

Site visit made on 2 August 2022 by T Bennett BA (Hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/P4605/D/22/3296695

46 Walsh Drive, Sutton Coldfield, B76 2NU

- 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 Aji John against the decision of Birmingham City Council.
 - The application Ref 2022/00755/PA, dated 31 January 2022, was refused by notice dated 22 March 2022.
 - The development proposed is for the erection of a two storey rear and single storey front, side and rear extensions and garage conversion with alterations to the front.
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Decision

1. The appeal is dismissed.

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. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice, which I note has also been adopted by the appellant on their appeal form.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties with particular regard to privacy (25 and 27 Tysoe Drive), and outlook and light (48 Walsh Drive).

Reasons for the Recommendation

5. The appeal property is within a residential area where development consists of dormer bungalows, along with semi-detached and detached houses of similar architectural design. Properties are generally set back from the road with open frontages. In essence, the appeal proposal consists of a two-storey rear extension, a single storey front extension, and a single storey side extension which would link together the front and rear extensions.
6. The two-storey rear extension has bedroom windows which face 25 and 27 Tysoe Drive. The appellant has set out that the extension would be between 7

- and 8.6 metres from the boundary with these properties, which is below the 10 metre standard advocated by the Councils guidance¹.
7. Whilst I acknowledge that this design standard is only guidance, it does nevertheless set out a reasonable distance to ensure that the privacy of the occupants of neighbouring properties is maintained.
 8. In this case, at a distance of around 7 metres, the habitable first floor rooms of the two-storey extension would be significantly below this guidance and would allow for some overlooking of the rear garden of No. 27 and to a lesser extent the garden of No.25 given the increasing garden depth. As a consequence, I find the proposed development would have a harmful impact with regard to privacy for the occupiers of No.25 and No. 27.
 9. Whilst the existing coniferous hedge is on land in the control of the appellant and would provide some degree of screening, there is no guarantee that this would remain in perpetuity.
 10. Turning to the effect of the development on the occupiers of 48 Walsh Drive, the appeal property already projects beyond the rear elevation of number 48. This would increase by approximately 3 metres as a result of the proposed full width two storey extension.
 11. From the evidence before me, this would breach the 45 degree guideline when taken from the nearest habitable room window at ground floor level, extending to over halfway down the garden of number 48. The enlarged wall as a result of its height and depth would visually dominate the occupiers' outlook from No. 48, eroding the reasonable outlook which currently exists. Even considering the inset of the double storey element from the shared boundary, I find the proposal would have a harmful impact on outlook.
 12. I also note that the single storey element of the side extension would breach the 45 degree guide from the rear of No. 48. However, I am conscious that this element of the proposal would have a modest eaves height and mono pitched roof sloping up away from the boundary. Given that it would not be significantly taller than the boundary treatments present at the site I consider that this element would not have a detrimental impact on outlook or existing natural light for the occupiers at No. 48.
 13. Finally, in respect of sunlight and daylight, the appeal property is north of No.48 and as such there would not be any loss of sunlight. Whilst I have not been provided with any technical evidence regarding potential daylight impact, from what I observed at my site visit, I consider that the proposal would not result in a detrimental loss of daylight to the habitable rooms or rear garden area of No. 48.
 14. The Council have referred to Policy TP27 in its reason for refusal relating to the separation distances between the appeal development at Nos 25 and 27. However, this policy relates to new residential development and as such this is not particularly relevant to the proposal before me.
 15. For the reasons given above, the proposal would result in a loss of privacy to the occupiers of 25 and 27 Tysoe Drive and a loss of outlook for the occupiers

¹ Places for Living Supplementary Planning Guidance (2001) (SPG) and Extending Your Home Supplementary Planning Document (2007) (SPD)

of 48 Walsh Drive. It would therefore conflict with Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document (2021) and Policy PG3 of the Birmingham Development Plan (2017) which, amongst other matters, requires development to respond to the site conditions and the local context and not adversely affect residential amenity. It would also be at odds with the overarching design aims of the National Planning Policy Framework and the guidance in the Councils SPG and SPD.

Other Matters

16. The appellant has made me aware of two planning permissions that exist at the site which include single storey extensions at the rear. A single storey permitted development option has also been set out. However, as I have found no harm with the single storey elements of the proposal these fallback options do not provide for a reason to grant planning permission for an otherwise unacceptable two-storey extension.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR