



Appeal Decision

Site visit made on 27 January 2023

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/P4605/D/22/3308791

25 Ansell Way, Harborne, Birmingham B32 2AU

- 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 Mallikarjuna Badabhagn and Mrs Shreebhagn Badabhagn against the decision of Birmingham City Council.
 - The application Ref 2022/05924/PA, dated 25 July 2022, was refused by notice dated 30 November 2022.
 - The development proposed is erection of a single rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a detached dwelling with a detached garage. It occupies a relatively small plot in a modern residential area, characterised by properties positioned close to the road with small private gardens and limited spaces between buildings. Thus, the area has a modern and compact residential character and appearance.
4. I have noted the size and scale of extensions which can amount to permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. However, the proposal before me is not permitted development.
5. I acknowledge the Council say the scheme would comply with the 45-degree code and that it would not harm the living conditions of the Occupiers of No 9 Ansell Way with particular regard to outlook. I accept the proposed extension would be set back from the Ansell Way footway with views of it interrupted by boundary treatments and other buildings. I also note the proposed extension would be of a simple form and finish which would match the existing dwelling.
6. However, the Birmingham Design Guide Supplementary Planning Document (2022) (SPD) states that an extension must be of a form and design that complements the host building and does not over-dominate or substantially alter its overall appearance, scale, or mass. The proposed extension would join the side elevation of the appeal dwelling to its detached garage. It would

therefore result in built form along the full length of the appeal properties boundary which would be visible above the boundary fence from Ansell Road.

7. The proposed extension would also occupy a significant proportion of the already small private outdoor space. When viewed alongside the garage to which the proposal would adjoin the proposed extension would give the appeal dwelling a disproportionate elongated and cramped appearance having the effect of exacerbating the areas already compact character. Therefore, it would not complement the appearance of the host dwelling and instead would be an incongruous feature of the Ansell Way street scene which would harm the character and appearance of the area.
8. For these reasons the proposed development would fail to accord with Policy PG3 of the Birmingham Development Plan (2017) and Policy DM2 of the Development Management in Birmingham Development Plan Document (2021) which taken together, seek to achieve good design and safeguard the character and appearance of an area. For the same reasons it would also be in conflict with the SPD.

Conclusion

9. For the reasons set out above, having had regard to all other matters raised, on balance the proposal would fail to accord with the development plan. I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR