
Appeal Decision

Site visit made on 6 February 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/P1805/D/22/3311225

4 Pinewoods Close, Hagley DY9 0JG

- 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 John Hanlon against the decision of Bromsgrove District Council.
 - The application Ref 22/00381/FUL, dated 15 March 2022, was refused by notice dated 21 September 2022.
 - The development proposed is a front extension and change flat roof to pitched.
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Decision

1. The appeal is dismissed.

Main Issue

2. The proposed front extension would be a modest addition and respond to the front building lines of the appeal property and 6 Pinewoods Close. It would therefore harmonise with the character and appearance of the host property and the area, and it would provide the occupants with a larger bathroom and third bedroom which would be beneficial to their living conditions. However, it is not physically and functionally severable from the proposed pitched roof which is the focus on the parties' dispute. Hence, the main issue is the effect of the proposed pitched roof on the character and appearance of the area.

Reasons

3. Although the wider area has a more varied character and appearance, the layout, scale, design, and appearance of the properties within the cul-de-sac mean they have a specific and separate character and appearance. In this case, the appeal property is a single storey mid-terrace dwelling with a flat roof. The terrace which the property forms part of is within a small cul-de-sac containing residential properties on three sides. Properties within the cul-de-sac are either single or two storeys in height, but they generally have a flat roof or a shallow pitched roof and a common architectural theme. A row of two storey dwellings faces the appeal property at 1 to 7 Pinewoods Close.
4. The Council's High Quality Design Supplementary Planning Document (SPD) outlines that the roof form (type and angle of pitch) should match that of the original development, and that of the adjoining property. This contributes to the harmony of the building and avoids the long term maintenance problems associated with flat roofs.
5. A pitched roof would overcome the typical maintenance issues associated with flat roofs, subject to ongoing maintenance. However, a change from a flat roof to a pitched roof with a gable end on one side and a hipped roof to the other

would mean that the resultant appeal property would not match the roof form of the original development and that of the adjoining property.

6. Furthermore, the style and form of roof proposed would be entirely new within the cul-de-sac and its shape, design and multi-plane form would jar with straightforward scale, type, design and appearance of properties within the cul-de-sac that create a strong sense of harmony. It would not be an appropriate design response in this instance and the proposal would be out of keeping with the architectural design, style, height, and form of roof used in the terrace and within the cul-de-sac. In this regard, the appeal scheme would not enhance the character and distinctiveness of the local area and it would be harmful. Despite the scale of the scheme, I attach significant weight to this harm due to the harmonious character and appearance in the cul-de-sac.
7. That said, the appellant says that there is more than a theoretical probability of adding an additional storey to the dwelling using Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Subject to conditions and limitations, this class enables an additional storey to be added to the dwelling up to 3.5 metres in height externally with a flat roof. Whilst prior approval must be sought, it is possible to design an additional storey to comply with the limitations in AA.1. Furthermore, it would be possible to respond to the design and architectural features of the host dwelling, bearing in mind the two storey properties opposite the appeal property; and to ensure that there would be no impact on the amenity of adjoining properties. Hence, a scheme could potentially accord with the conditions of AA.2. On this basis, I consider that there is a real prospect of the fallback position advanced being implemented.
8. An extension under Class AA would be different to the appeal scheme. The precise height of the additional storey of the fallback scheme is not certain, but it could be up to 3.5 metres and due to the conditions and limitations of Class AA, the fallback position scheme would have a scale and massing that would be spread across the host dwelling. Whereas the proposed pitched roof would angle upwards from the eaves to the ridge, and it would not extend over the garage. The proposed roof would have a reduced and different scale and massing to the fallback position. The design would also differ.
9. The proposal and the fallback scheme would both add to the height, scale and massing of the appeal property, and change the character and appearance of the host property and that of the cul-de-sac. The scale and massing of the appeal property would be isolated in the terrace if the fallback position were implemented, but its effect on the character and appearance of the area would not, when compared to the proposal, be as great as it would likely reflect the scale, massing, style, design and finish of the two storey terrace opposite the appeal site. Consequently, the fallback position does not provide sufficient justification in this case for the proposed development that would cause significant harm to the character and appearance of the area.
10. I conclude that the proposed change to a pitched roof would have a significant effect on the character and appearance of the area. This is not outweighed by the fallback position, the absence of an impact on neighbouring residents' living conditions, or the maintenance benefit of not having a flat roof. On this basis, the proposal would not accord with Policy BDP19.1 a. and e. of the Bromsgrove District Plan 2011 - 2030 and the SPD. They jointly require developments to use appropriate tools and follow relevant guidance and procedure to achieve

good design; and ensure that they enhance the character and distinctiveness of the local area and contribute to the harmony of the building.

Conclusion

11. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
12. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR