



Appeal Decision

Site visit made on 24 January 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/P4605/W/22/3307096

184 Gravelly Lane, Erdington, Birmingham B23 5SN

- 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 M Perry against the decision of Birmingham City Council.
 - The application Ref 2022/02633/PA, dated 25 March 2022, was refused by notice dated 27 July 2022.
 - The development proposed is change of use of ground floor to one-bedroom flat with external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted revised plans in Appendix D of their Statement of Case. These revised plans include an amendment to replace the proposed bedroom window for a larger French window. The Council refer to these revised plans in their Statement of Case. Thus, my acceptance of them would not prejudice any parties. I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would provide appropriate living conditions for future occupiers, with regard to outlook and daylight.

Reasons

4. The appeal site comprises a ground floor shop unit that is currently vacant within 184 Gravelly Lane (No 184). No 184 is a two-storey traditional mid-terrace building. Its ground floor has an L-shaped layout within a long, narrow plot. The first floor (not part of the appeal) is a self-contained residential flat with access via a shared alleyway to the side of No 184. Permission is sought to change the use of the ground floor shop to a one-bedroom flat.
5. The site is located within a built-up area of Erdington and is positioned at the periphery of a small retail parade where the shop units transition to residential dwellings. The surrounding area is a mix residential and commercial buildings.
6. The proposed window to the rear of the property would serve the bedroom and would face out onto a small yard area and an external staircase that serves the first floor flat above. Whilst the bedroom window would be of an adequate size, it would provide a poor visual outlook due to the proximity of the staircase, which would appear as an unduly enclosing feature when viewed from the window. In addition, the staircase and the boundary fencing and gate that

borders the small yard area would restrict views of the rear garden amenity space beyond. As a result, it would substantially reduce the outlook from the bedroom window.

7. In addition, natural light into the bedroom would also be meaningfully reduced as a result of the width and bulk of the staircase and the enclosed nature of the built form surrounding the small yard area.
8. The appellant has submitted revised plans in Appendix D of their Statement of Case. These revised plans include an alternative design which would replace the proposed bedroom window for a larger French window. However, even if I were to accept these revised plans, I find that the proposed French window would result in insufficient levels of privacy to the occupants of the proposed ground floor flat. This is because the neighbouring occupants of the first floor flat have access to the small yard area and the staircase leading up to the first floor flat. This would result in direct views into the bedroom when using the small yard area and the external staircase, as the French window would be at ground floor level.
9. I also note that the proposed French window would be of a similar width to the staircase and would therefore not sufficiently increase the provision of natural light entering the bedroom. Furthermore, the view from the bedroom would still be of the underside of the staircase and the small yard area which is currently used to store wheelie bins. This poor visual outlook and the lack of natural light would unacceptably harm the living conditions of future occupants.
10. The proposal would provide internal floorspace that would meet the minimum requirements set out in the National Space Standards (NSS) for a 1-bed, 1-person flat. Therefore, the flat would exceed the minimum internal floor space as set out in the NSS and would also provide sufficient outdoor space. However, for the reasons given above, the proposal would not provide adequate living conditions for the future occupants of the dwelling, having regard to outlook and daylight.
11. Consequently, the proposal would fail to accord with Policies DM10 and DM12 of the Development Management in Birmingham Development Plan Document (2021), which amongst other things, seeks to ensure adequate outlook and daylight for occupiers. In addition, the proposal would fail to accord with the National Planning Policy Framework design objectives, in particular paragraph 130, where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

Other Matters

12. The proposal would convert the underused redundant ground floor unit to residential use. It would be located within a sustainable location, with good access to Erdington railway station, bus stops, shops, services and employment opportunities. However, these modest benefits would not outweigh the harm identified to the living conditions of future occupiers.
13. I have borne in mind that the proposal would contribute to the local housing supply. However, this does not outweigh the harm identified.
14. The proposal would not be detrimental to the living conditions of any neighbouring occupiers. Nevertheless, a lack of harm in this regard does not weigh in favour of the proposal.

Conclusion

15. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that would outweigh the identified harm and associated development plan conflict.
16. For the reasons given above, I conclude that the appeal is dismissed.

Helen Smith

INSPECTOR