



Appeal Decision

Site visit made on 3 April 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/P4605/D/23/3314656

20 Blakemere Avenue, Birmingham B25 8US

- 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 James Rainbird against the decision of Birmingham City Council.
 - The application Ref: 2022/08251/PA, dated 4 November 2022, was refused by notice dated 12 January 2023.
 - The development proposed is described as "Erection of single storey rear extension"
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Decision

1. The appeal is allowed and planning permission granted for the erection of single storey rear extension at 20 Blakemere Avenue, Birmingham, B25 8US in accordance with the terms of the application, Ref: 2022/08251/PA, dated 4 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans referenced TQRQM22308085739588 - Location plan; TQRQM22328150515392 - Site plan; Existing End View LHS; Existing End View RHS; Existing Front View; Existing Pan View; Existing Rear View; Proposed End View LHS; Proposed End View RHS; Proposed Front View; Proposed Plan View; and, Proposed Rear View.
 - 3) The materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council altered the description of the proposed development in their decision notice. This description is clearer and more succinct than that given on the application form. I have therefore used this description in the banner heading and formal decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of No.18 Blakemere Avenue with regard to light and outlook.

Reasons

4. The appeal dwelling is a two storey semi-detached property. On my site visit there was evidence that a single storey rear projection had recently been demolished. I have no details of what had previously existed and, as such, I have only had regard to the existing site condition.
5. The single storey rear extension would project by 4m and would be sited close to the site boundary with No.18 Blakemere Avenue. To the rear of No.18 are rear facing habitable room openings at ground floor level. The Council consider that the proposed development would breach the 45° code¹ from the nearest ground floor habitable room opening of No.18 and, as such, would have an unacceptable impact on the living conditions of occupants through loss of light and outlook. Due to the depth of the extension, its proximity to the boundary and nearest opening, I agree that there would be an infringement of the 45° standard.
6. A solid timber fence is positioned along the shared boundary which is set four brick courses lower than the height of the nearest opening. The extension would project above the fence line meaning the extension would add additional built form that would be visible from both internal and external areas of No.18. The extension incorporates an eaves height of 3m and would have a consistent height along the boundary. I consider that the extent of additional built form projecting above the existing fence line to be modest. Furthermore, I note that the depth and width of No.18's garden is spacious and the rear openings are not enclosed by existing built form. The addition of the proposed extension, by reason of its height and design, would not result in unacceptable sense of enclosure to the rear openings of No.18. As such, I do not consider that the development would be of such a scale to result in a significant degree of overbearing or a material loss of outlook to adversely affect the living conditions in this regard.
7. With regard to light, the orientation of the properties is such that the extension would be sited to the immediate north of No.18 and, therefore, I consider that any reduction of daylight or sunlight arising from the development would be minimal. I have already concluded that the extension would result in an acceptable projection above the existing fence line by reason of its limited height and flat roof design. Given these factors, I do not consider that the infringement of the 45° standard would result in a material loss of light to No.18 Blakemere Avenue.
8. I therefore conclude that the development would not have an unacceptable effect on the living conditions of the neighbouring property through loss of light or outlook. Therefore, the proposed development accords with Policy PG3 of the Birmingham Development Plan (2017), which expects development to reinforce a positive sense of place; Policies DM2 and DM10 of the Birmingham Plan 2031 (2021) which seek to protect the amenities of neighbours; the Birmingham Design Guide SPD (2022); and guidance contained within the National Planning Policy Framework which requires development to have a high standard of amenity for existing and future users.

¹ As set out in Birmingham City Council's document "The 45° Code" (March 2006)

Conditions

9. I have imposed standard conditions relating to the commencement of development, to require compliance with the submitted plans to define the terms of the permission, and also that the development be carried out in materials to match the host property in the interest of the character and appearance of the area.

Conclusion

10. For the above reasons, I consider that the proposals accord with the Development Plan when read as a whole and that the appeal is allowed.

D Cleary

INSPECTOR