



Appeal Decision

Site visit made on 03 April 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2023

Appeal Ref: APP/P4605/D/23/3315320

16 Wheatmoor Road, Sutton Coldfield B75 7HH

- 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 David Trott against the decision of Birmingham City Council.
 - The application Ref: 2022/05665/PA, dated 15 July 2022, was refused by notice dated 04 November 2022.
 - The development proposed is described as "Roof alterations (including front rooflight and increase in roof height), installation of 3no. rooflights to rear and installation of window to side"
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Decision

1. The appeal is allowed and planning permission granted for roof alterations (including front rooflight and increase in roof height), installation of 3no. rooflights to rear and installation of window to side at 16 Wheatmoor Road, Sutton Coldfield, B75 7HH in accordance with the terms of the application, Ref: 2022/05665/PA, dated 15 July 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; 1a Location and Block Plan; 2 Existing Elevations; 3b Proposed Plans; 4 Existing Plans; and 5b Proposed Plans.
 - 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.
 - 4) Prior to the installation of the second-floor landing window, details of its obscure glazing and opening capabilities shall be submitted to, and approved in writing by, the local planning authority. The window shall be installed and retained as approved.

Preliminary Matters

2. I have amended the description of development in my decision to that used in the decision notice and appeal form as it more accurately describes the development.

Main Issues

3. The main issues are the effect of the proposed development on:

- a) the character and appearance of the existing dwelling and area; and
- b) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and Appearance

- 4. The appeal site is within a large residential estate. It accommodates No 16 Wheatmoor Road, a detached, two-storey, dwelling. This is positioned off the main carriageway, in a section of the street that is primarily read in conjunction with dwellings set along a pedestrian link between Wheatmoor Road and Aldermore Drive. Consequently, the appeal site is somewhat discretely located. The individual design of properties in the immediate area varies. Indeed, there are several examples of properties along both Aldermore Drive and Wheatmoor Road that are taller than neighbouring dwellings. Some of these are visible from the appeal site and do not unduly disrupt the fluctuating architectural rhythm across this part of the estate.
- 5. This proposal seeks to raise the overall height of the roof and add new rooflights to front and rear, together with a new window to one side. The increase in roof height would be relatively modest (around 0.88m) with eaves raised by around 0.1m. Consequently, there would not be an excessive expanse of roof above the existing front gable features, which would still be read as the main elements of the design of the principal elevation. No 16 would therefore not appear 'top heavy' or unbalanced. Neither would this small increase in bulk and mass result in a property that appeared 'overly intensified' or cramped upon its plot.
- 6. No 16 would be marginally taller than adjacent dwellings along this pedestrian link. That said, given the variety of dwelling heights in the vicinity, this would not appear particularly discordant, nor would it inappropriately draw the eye. The proposal, which would not be particularly conspicuous, would therefore assimilate successfully into the fluctuating architectural rhythm of surrounding built form.
- 7. For these reasons, the proposed development would not have an unacceptable effect on the character and appearance of the dwelling, and that of the wider area. Therefore, the proposed development accords with Policy PG3 of the Birmingham Development Plan (2017) (DP) which, inter alia, expects the design of development to reinforce a positive sense of place, local distinctiveness, and respond to local context. Additionally, it would accord with the advice of the Birmingham Design Guide SPD (2022) ('the SPD') and that of the Framework. Amongst other things, these promote high standards of design and seek to ensure that roof alterations must be considerate to the appearance and character of the existing property and surrounding area. Policy DM2 of the Development Management in Birmingham Development Plan Document 2021 (DPD), referenced within the Council's first reason for refusal, deals with living conditions and is not relevant for this main issue.

Living Conditions

8. The proposal would be within 12.5m of the rear elevations of Nos 12 and 14 Wheatmoor Road, contrary to the advice of the SPD. Nevertheless, it would add only a modest amount of additional bulk and mass to the roof of the host property. Consequently, while the raised gable end of No 16 would be visible from these neighbouring properties, the overall positioning and size of the proposal would not introduce a significantly dominant or intrusive feature. Identified conflict with the SPD would therefore not result in any material planning harm in terms of outlook in this instance.
9. Turning to privacy, the distance between proposed rear rooflights and No 8's rear garden would fall short of the recommended 15m separation distance within the SPD. However, on the evidence before me, this would not be by a significant margin. Moreover, rear rooflights would only afford direct views towards the rear portion of No 8's rear garden. Views of primary external amenity space closer to this neighbouring property would be oblique and at a greater distance. Accordingly, the proposal would not significantly compromise the living conditions of residents at No 8 in terms of privacy. This is so even though there would not be a 1.8m distance from the finished floor levels to the rooflights. Identified conflict with the SPD would again not cause unacceptable planning harm.
10. For these reasons, the proposed development would not have a significantly harmful effect on the living conditions of residents at nearby properties in terms of outlook and privacy. Therefore, it accords with Policies PG3 and TP27 of the DP, and Policy DM2 of the DPD. Amongst other things, these expect development to be of high-quality design, provide functional private external areas and not result in harm to living conditions in terms of visual privacy and outlook.

Conditions

11. 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. A condition requiring the second floor landing window within the west elevation to be obscure glazed is also considered necessary to prevent overlooking to adjacent properties.

Conclusion

12. 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