



Appeal Decision

Site visit made on 28 June 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/P4605/D/23/3318136

63 Herbert Road, Nechells, Birmingham, B10 0QT

- 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 Dr Ismail Patel, Second City Housing against the decision of Birmingham City Council.
 - The application Ref 2022/08423/PA, dated 11 November 2022, was refused by notice dated 7 February 2023.
 - The development proposed is a change from previously approved hipped roof to a gable end roof.
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Decision

1. The appeal is allowed and planning permission is granted for a change from previously approved hipped roof to a gable end roof at 63 Herbert Road, Nechells, Birmingham, B10 0QT in accordance with the terms of the application, Ref 2022/08423/PA, dated 11 November 2022, subject to the following condition:
 - 1) The development hereby permitted relates to the following approved plans: Location and Site Plan – A100; Proposed Plans and Elevations – A110; and Proposed Front Elevation with Neighbours – A111.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey semi-detached dwelling, which is part of a small modern residential development situated within a built-up part of the city.
4. Planning permission was previously granted for a two-storey side and rear extension under reference 2022/00316/PA. The design of the approved extension included a hipped roof. The appeal proposal (which has already been constructed) is for the extension to have a gabled roof.
5. The Council considers that the appeal extension would be out of keeping with the original dwelling and the streetscene. It argues that the hipped roof as originally approved provided a degree of subservience and was more in keeping with the area. It cites a conflict with Policy PG3 of the Birmingham Development Plan 2017 and with Policy DM2 of the Development Management in Birmingham DPD 2021. These policies seek (amongst other things) to

ensure high quality design, to respond to local context and be appropriate for its location. These are consistent with paragraph 130 of the National Planning Policy Framework 2021, which contains similar provisions.

6. In reaching my decision, I have also considered the guidance contained in the Council's Supplementary Planning Guidance – Birmingham Design Guide 2022. In particular, I note that the guidance states that side extensions can have a significant effect on the streetscene and that roof designs should align with that of the host dwelling.
7. During my site visit, I observed that most dwellings in this part of Herbert Road have gabled roofs. Furthermore, when viewed from Herbert Road, the extension appears subordinate to the original dwelling because of its lower ridge height and set back at first floor level. Consequently, I am not persuaded that the proposal is at odds with either the appearance of the host dwelling or the streetscene.
8. I also observed the extension at the rear from Coventry Road. The first - floor of that part of the extension has a distinctive asymmetrical roof, which is not a common characteristic in the streetscene. However, some views are partially screened by an existing mature tree and given the mix of building styles along this section of Coventry Road, I do not find the proposal to be unacceptably harmful. Therefore, the proposal does not conflict with the provisions of the Development Plan, as referred to above.

Other Matter

9. The Council Officer's report refers to the proposal having an overbearing impact on neighbouring property due to the height of the flank wall. However, this does not feature in the reasons for refusal contained in the Council's decision notice. Nevertheless, whilst the side wall of the extension is higher than that originally approved, I consider the relationship to be acceptable, because of the separation distance and angular relationship between the appeal dwelling and neighbouring property.

Conditions

10. The Council has suggested conditions in the event of the appeal being allowed. As the development has already been carried out, the standard condition requiring development to commence within 3 years is not necessary. In addition, I am satisfied that the external facing materials used in the construction are acceptable and, therefore, a condition controlling these is also unnecessary.
11. For clarification, I have imposed a condition specifying the approved plans.

Conclusion

12. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR

