



Appeal Decision

Site visit made on 4 July 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2023

Appeal Ref: APP/P4605/D/23/3318607

23 Selwyn Road, Edgbaston, Birmingham B16 0SH

- 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 Charnjeev Purewal against the decision of Birmingham City Council.
 - The application Ref 2022/06727/PA, dated 30 August 2022, was refused by notice dated 22 February 2023.
 - The proposed development is erection of three (to include rear basement) storey and single storey rear extension, two storey side extension and alterations to front porch, existing patio and steps to rear.
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Decision

1. The appeal is dismissed in part and allowed in part.
2. The appeal is dismissed insofar as it relates to the three (to include rear basement) storey and single storey rear extension.
3. The appeal is allowed and planning permission is granted for the two storey side extension and alterations to front porch, existing patio and steps to rear at 23 Selwyn Road, Edgbaston, Birmingham B16 0SH in accordance with the terms of application ref: 2022/06727/PA dated 31 August 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted, which for the avoidance of doubt only relates to the two-storey side extension and alterations to front porch, existing patio and steps to rear, shall be carried out in accordance with the following approved plans: 00015/S2-P01 (site location plan), 00017/S2-P03 (site block plan proposed), 00018/S2-P03 (site plans showing rear development lines), 00020/S2-P01 (existing floor plans), 00021/S2-P04 (proposed ground and first floor), 00022/S2-P01 (existing elevations), 00023/S3-P04 (proposed elevations), 00024/S2-P04 (existing front view), 00026/S2-P02 (proposed roof and basement plans), 00026/S2-P03 (existing rear view), 00027/S2-P03 (proposed rear view), 00028/S2-P01 (new front porch view), 00031/S2-P02 (rear elevation planning considerations).
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used on the existing dwelling.

Main Issue

4. The main issues are the impact on (a) the character and appearance of the host dwelling and wider area and (b) the living conditions of the occupiers of adjoining properties.

Reasons

5. The appeal site consists of a large, detached dwelling set within a relatively large plot compared to adjoining and nearby properties. It was built in the 1930s and displays a number of detailed features such as large, glazed openings with upper stained glass casements, square bay window to the front ground floor, some mock tudor panelling and projecting gables to both front and rear. A detached outbuilding is located to the rear of the dwelling and is joined to a smaller outbuilding located in the rear garden of No. 21 to the west. A detached single garage lies to the east side of the dwelling close to the boundary with the adjoining property, No. 25,
6. It is set on land that slopes down to the rear with a raised patio area immediately to the rear of the dwelling and steps down to a terraced lawn area. There is also a slight slope to the road such that the adjoining property to the west is set at a slightly higher level and the property to the east at a slightly lower level.
7. The site is adjoined by the Edgbaston reservoir local nature reserve to the rear and there are a number of tall mature trees in the area immediately to the rear of the appeal property within which are public footpaths forming part of a perimeter path around the reservoir.

Character and appearance

8. The proposed rear extensions are substantial in size and footprint when taken together with the proposed side extension. However, the basement area would be set into the levels on the site and the ground floor level would, in part, replace the existing outbuilding with the two-storey side element replacing the existing garage such that these additions would not result in disproportionately greater bulk given the topography of the site and their visibility.
9. However, the enlarged gable at first floor would appear considerably greater in scale than the existing, increasing its depth by some 6 metres to the rear. This would result in a disproportionately large addition at this upper, more visually prominent level. Furthermore, the greater depth, together with the increased width and increased height, would introduce a scale and form of extension that would fail to respect the proportions and form of the host dwelling.
10. This unduly large addition would be apparent from the footpaths to the rear of the property from where I viewed the appeal site. Whilst during summer months much of the property is screened by the existing mature trees, the rear of the property can still be seen and from this viewpoint the disproportionate size of the upper part of the extension would be visible and appear as a disproportionately large and unsympathetic addition to the property.
11. For these reasons the proposed rear extension would conflict with Policy PG3 of the Birmingham Development Plan (2017) (BDP) and Policy DM2 of the Development Management in Birmingham DPD (2021) (BDPD) which expect all new development to demonstrate high design quality contributing to the strong

sense of place with designs that respond to site conditions and the local area context, appropriate to the location. In addition, it would fail to satisfy the guidance in the Birmingham Design Guide (2022) (BDG) which seeks to ensure that extensions to dwellings complement their style and character and do not dominate its appearance.

12. The proposed side extension would be of the same ridge height as the existing dwelling and would reflect its design and appearance with a front projecting gable of similar scale and appearance as the existing gable which it would adjoin. The front projection to the garage at ground floor would be modest and not intrusive in the street scene.
13. The enlarged porch with first floor element would also complement the design and appearance of the dwelling, echoing existing features such as the timber boarding with render panels. Whilst overall the width of the dwelling would be increased such that it would occupy the majority of the plot width, a small gap would be retained to the side such that these elements would not appear disproportionate or out of keeping with the established pattern of development.
14. These elements would complement the host dwelling and wider street scene and would thereby accord with BDP Policy PG3 and BDPD Policy DM2. In addition, the guidance within the BDG would be satisfied.

Living conditions

15. The Appellant has confirmed by way of the submitted plans that the Council's 45 degree code SPG (2006) would be satisfied in respect of both adjoining properties. In respect of No. 21, the nearest part of the proposed rear extension, which would abut the common boundary in place of the existing outbuilding, would not have a materially harmful impact given that it would be lower in height and would project to the same depth. Furthermore, this element would be largely screened by the existing outbuilding within the garden area of this property. The basement extension below would not have any additional impact.
16. However, the proposed first floor element would introduce a large, deep extension to the rear of the appeal property, which although set away from the boundary, would nevertheless have an overbearing impact due to its significant rearward projection. The rear elevations of the dwellings are roughly in line such that all of the proposed rear extension would be visible from the patio and garden area of this adjoining property from where I was able to view the appeal site. Although the dwelling itself is at a slightly higher level, the rear patio and garden area are lower and from these areas it would appear as a large and imposing addition.
17. I note that the neighbour has expressed concern regarding the removal of the outbuilding on the appeal site, given that it adjoins / is attached to their outbuilding, and the potential for the proposed works to destabilise their outbuilding. However, these are matters dealt with under other legislation and cannot be controlled via planning conditions.
18. In respect of No. 25 given that the rear patio is set at a lower level, the proposed rear extension would have an even greater overbearing impact, notwithstanding that it would also be set away from the boundary. The depth of the extension would be considerable and its impact would not be mitigated

to any significant degree by this separation. In addition, I note that a proposed bedroom window would face towards this property albeit it could be conditioned to be obscure glazed as it would be served by other rooflight windows.

19. The proposed two storey side extension would be sited closer to this property but would not project beyond its rear elevation and would not appear overbearing. The existing boundary fence would ensure that there would not be any overlooking from the proposed steps.
20. Overall, in respect of this issue, I find that the proposed two storey rear extension would have an unacceptably overbearing impact on the living conditions of the occupiers of both adjoining properties and would thus be contrary to BDP Policy PG3 and BDPD Policy DM2 which seek to prevent unacceptable adverse impacts on the amenity of neighbours. In addition, the aims and objectives of the BDG would not be satisfied. However, the proposed two storey side extension and rear patio and steps would be acceptable and would comply with these policies and guidance.

Other Matters

21. I have taken into account the National Planning Policy Framework but find that the rear extension would, for the reasons set out, fail to contribute to achieving well designed places; nor would it be sympathetic to the surrounding built environment.

Conclusions

22. For the reasons set out above I conclude that the proposed rear extensions would be unacceptable. However, the side extension and alterations to the front porch and patio and new steps would comply with policy; as these elements are physically separate and severable, I intend to issue a split decision, allowing these elements but refusing the rear extensions.
23. In addition to a condition to refer to the approved plans in the interests of proper planning, a condition is required to ensure matching materials are used to protect the visual amenity of the area.
24. I therefore conclude that this appeal should be dismissed in part and allowed in part.

P Jarvis

INSPECTOR