



Appeal Decision

Site visit made on 2 August 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2023

Appeal Ref: APP/P4605/D/23/3319356

159 Botha Road, Birmingham, B9 5LR

- 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 Pervaiz Khan against the decision of Birmingham City Council.
 - The application Ref 2023/00041/PA, dated 27 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is erection of first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of first floor rear extension at 159 Botha Road, Birmingham, B9 5LR in accordance with the terms of the application, Ref 2023/00041/PA, dated 27 January 2023, 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: Drawing no. 02; Drawing no. 03; Drawing no. 04; Drawing no. 05 and Drawing No. 10.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The effect of the proposed development on the character and appearance of the area.

Reasons

3. Botha Road is a predominantly residential street characterised by short terraces set back from the highway with driveways to the frontages, in varying designs and materials, many of which have been altered. The appeal property is a mid-terrace property, and a number of neighbouring properties have flat roof dormer windows or flat roof extensions on their rear elevations.
4. The proposed extension would be on the rear elevation at first floor level which would extend partially above an existing flat roofed single storey rear extension. The proposed extension would have a flat roof. The depth of the proposed extension would be modest and would provide for a bathroom and an extension to an existing bedroom within the property. The proposed fenestration would be in proportion of that of the existing dwelling.

5. The rear elevation of the property would be visible from neighbouring properties due to the layout of the surrounding residential development. However, due to the scale of the proposed rear extension, design and proposed construction in matching materials, the extension would reflect the character and appearance of the existing dwelling and would not dominate it.
6. The Council's evidence refers to the cumulative impact of the developments in the area with reference to nearby flat roof extensions that may not have the benefit of planning permission. Notwithstanding the lawfulness of existing flat roof extensions of which I have no details, they do influence the character of the area. The scale of the proposal would be modest and other examples of similar flat roof or flat roof dormer extensions on properties within close proximity to the appeal site exist, including on the appeal site itself. Accordingly, it would not be an incongruous addition that would be out of keeping or unduly harmful to the character and appearance of the existing dwelling or the area.
7. For these reasons, I conclude that the proposal would not have a detrimental effect on the character and appearance of the area. Policies PG3 of the Birmingham Plan 2031 – Birmingham Development Plan (adopted 2017) and DM2 of the Birmingham Plan 2031 – Development Management in Birmingham (adopted 2021) require new developments to reinforce local distinctiveness with design that responds to site conditions and to be appropriate to their location. I find that the proposal accords with the aforementioned policies and the principles of chapter 12 of the National Planning Policy Framework which seeks good design sympathetic to the local area.
8. Having regard to the Birmingham Design Guide – Principles Document (2022) (DG) it requires the design of household extensions to respond to and complement the character of the host building and its surroundings. For the reasons mentioned, the proposal is in accordance with the guidance contained in the DG.

Other Matters

9. The Council has concluded that the proposed development would not have an adverse impact on the living conditions of neighbouring properties and based on the evidence provided and my observations I have no reason to disagree with this. Therefore, this matter has a neutral effect on the overall planning balance.

Conditions

10. I have considered the conditions suggested by the Council. In addition to the standard time condition, in my judgement, conditions are also necessary in respect of ensuring the development is carried out in accordance with the approved plans, in matching materials, to provide certainty and to safeguard the character and appearance of the area.

Conclusion

11. For the reasons set out having regard to the development plan as a whole and all other matters raised, the appeal is allowed.

N Duff

INSPECTOR