
Appeal Decision

Site visit made on 4 September 2023

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/P4605/D/23/3326354

6 Newnham Road, Birmingham B16 0TA

- 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 Adil Khan against the decision of Birmingham City Council.
 - The application Ref 2023/01541/PA, dated 6 March 2023, was refused by notice dated 3 May 2023.
 - The development proposed is a single storey rear extension to form a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to form a conservatory at 6 Newnham Road, Birmingham B16 0TA in accordance with the terms of the application, Ref 2023/01541/PA, dated 6 March 2023, and the plans submitted with it.

Procedural Matters

2. The conservatory has already been constructed. Therefore, I was able to view it as built on my site visit.

Main Issue

3. The main issue is the effect on the living conditions of the neighbouring occupiers of No 8 Newnham Road, in terms of loss of light, outlook and privacy.

Reasons

4. The conservatory which is the subject of this appeal is relatively deep and sits on the boundary with the adjoining property, No 8 Newnham Road. Whilst this structure does not comply with the 45-degree code, it includes a good-sized lantern roof feature and high-level side elevation windows which allow the neighbour views through the conservatory and light to pass to their home. As such, whilst the conservatory does marginally affect the living conditions of the neighbouring occupiers, these design elements significantly limit the impact. In view of this, in my view the conservatory does not materially harm the living conditions of the occupiers of No 8 in respect of loss of light and outlook.
5. Given that the windows in the side elevation of the conservatory are at a high level, they offer limited opportunity for overlooking of the neighbour's property. Also, a high fence sits on the joint boundary, preventing direct overlooking from the rear facing elevation of the conservatory to the neighbour's private garden area. On this basis, whilst the conservatory sits on the boundary with

No 8, it does not give rise to an unacceptable level of overlooking or loss of privacy to this adjoining neighbour.

6. In view of the above, I find no conflict with Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document (2021), Policies PG3 and TP27 of Birmingham Development Plan 2031 (2017), the Birmingham Design Guide SPD (2022) and the National Planning Policy Framework. Taken together, these seek to secure good quality design which protects the living conditions of neighbours.

Conditions

7. I note that the Council requested that conditions were attached to any consent granted relating to external materials and for the development to be carried out in accordance with approved plans. However, given that the conservatory has already been constructed, these conditions are not necessary. As such, I have not attached any conditions to this consent.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

Rebecca McAndrew

INSPECTOR