
Appeal Decisions

Site visit made on 2 October 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.10.2023

Appeal A - Ref: APP/P4605/D/23/3327509

362 Redditch Road, Kings Norton, Birmingham B38 8PS

- 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 Birchforest Ltd against the decision of Birmingham City Council.
 - The application Ref 2023/02060/PA, dated 27 March 2023, was refused by notice dated 18 May 2023.
 - The development proposed is the construction of a single storey side and 2 storey rear extension.
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Appeal B - Ref: APP/P4605/D/23/3327510

362 Redditch Road, Kings Norton, Birmingham B38 8PS

- 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 Birchforest Ltd against the decision of Birmingham City Council.
 - The application Ref 2023/02078/PA, dated 28 March 2023, was refused by notice dated 30 June 2023.
 - The development proposed is the construction of single and 2 storey extensions to the side and rear.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for the construction of single and 2 storey extensions to the side and rear in accordance with the terms of the application Ref 2023/02078/PA, dated 28 March 2023, and subject to the conditions set out in the attached schedule.

Main Issues

3. The main issues for both appeals are the effects of the proposals on:
 - i) The character and appearance of the house and this part of Redditch Road; and
 - ii) Living conditions at the next door property, 364 Redditch Road, in terms of light and outlook.
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Reasons

Character and appearance

4. 362 Redditch Road is a hipped roof detached house with a 2 storey rear wing, located within a line of architecturally varied houses and bungalows. The proposal in Appeal A would add a substantial 2 storey extension to the rear, stretching across the full width of the building, plus a small single storey section to one side. The Appeal B proposal is for a split single and 2 storey extension at the back with a small 2 storey extension to the side instead of a single storey. Both proposals include the addition of a ground floor canopy and the application of render at the front. No objections have been raised to these more minor changes which would refresh the house's front elevation.
5. The dwellings on this side of the street sit well up from the roadway so that they are much more prominent than those on the other side. The proposal in Appeal A would create 2 long, almost blank, 2 storey side walls that would both be visible from the street. This would create an overly massive, bulky and imposing structure, out of scale with others nearby. The longer rear wing on the western side next to No 364 would be particularly disproportionate. Although the small single storey side extension would not be objectionable, the overall visual impact would be distinctly harmful.
6. In Appeal B the rear extension would only be single storey on the western side so that it would hardly be seen from the street. The small 2 storey extension on the eastern side would help to break up the massing of the 2 storey extension on that side, so that it would not be seen as a single, unarticulated mass as in Appeal A. The Council objects to the use of a gabled roof form on this side extension. This element would, however, be set well back from the main frontage and set down from the main roof height so that it would be a secondary, subsidiary feature. Nearby roofs are both gabled and hipped, sometimes on either end of the same building, so this design detail would not conflict with local character or look out of place.
7. I conclude that the proposal in Appeal A would unacceptably harm the character and appearance of the house and this part of Redditch Road. It therefore conflicts with the design aspects of policy PG3 of the Birmingham Development Plan (BDP), the Birmingham Design Guide Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework), to secure high quality design that responds to local context and reinforces or creates a positive sense of place and local distinctiveness. The Council also refers here to policy DM2 of the Development Management in Birmingham Development Plan Document (DMB), but that policy deals with neighbours' living conditions and does not appear to be directly relevant to the issue of character and appearance.
8. I further conclude that the proposal in Appeal B would be well designed to avoid harm to the character or appearance of both the house and this part of Redditch Road, in accordance with those same aims of BDP policy PG3, the SPD and the Framework.

Living conditions

9. No 364 next door has a side facing kitchen window near to the back of the house, which I understand to be the only window to that room. The proposed 2 storey rear extension in Appeal A would be directly opposite this window and only a couple of metres away, where it would loom over the window and the existing boundary fence. Despite No 364 being set up slightly higher than No 362, the proposed 2 storey extension would severely dominate the outlook from the kitchen and cut off much of that room's sunlight and daylight.
10. The Appeal A proposal furthermore would not comply with the 45 degree code, as set out in City Note LW-4 of the SPD and referenced in DMB policy DM10. I note that the Manual says the code will not generally be applied from side windows unless they are the primary source of light/outlook from a primary living space. Although there is no clear definition of 'primary living space' in the SPD, I consider the kitchen to be important living space that falls within this aspect of policy.
11. In Appeal B, there would be a much lower single storey extension next to No 364, which would not have much more effect on outlook and light than the existing boundary fence. The 2 storey rear extension would be located much farther away from the kitchen window and would not extend far to the rear compared to the existing situation. Although this proposal would also infringe the 45 degree code, its impact on the kitchen's outlook and light would not be significant.
12. I conclude that the proposal in Appeal A would unacceptably harm living conditions next door at 364 Redditch Road, in terms of light and outlook. It therefore conflicts with the relevant aspects of DMB policies DM2 and DM10, the SPD and the Framework, which aim to ensure that development does not result in unacceptable adverse impacts on neighbours' amenity, including in terms of light and outlook. The Council also refers to BDP policy PG3 here, but this deals with wider place-making issues and does not appear to be directly relevant to this main issue.
13. I further conclude that the proposal in Appeal B would not significantly affect living conditions at No 364 and therefore falls in line with those same policies.

Conditions

14. In respect of Appeal B, I impose a condition specifying the relevant plans to provide certainty. A further condition requiring the use of materials as proposed is necessary to protect local character and appearance.

Conclusions

15. For the reasons set out above, and having regard to all other matters raised, I conclude that Appeal A should be dismissed, but that Appeal B should be allowed.

Les Greenwood

INSPECTOR

(Schedule of conditions follows)

APPEAL B – SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan; Block/Site Plan V8; V1/1; V1/2; V1/3; V8/1, V8/2 and V8/3.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building except as otherwise indicated on the application form and drawings V8/2 and V8/3.