



Appeal Decision

Site visit made on 5 January 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.01.2024

Appeal Ref: APP/P4605/D/23/3331650

138 Station Rd, Bourneville, Birmingham, B30 1DB

- 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 Matthew Mason against the decision of Birmingham City Council
 - The application Ref 2023/03720/PA, dated 2 June 2023, was refused by notice dated 28 July 2023.
 - The development proposed is 2 storey rear extension with raised rear terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the building and surrounding area; and,
 - the living conditions of occupiers of 140 Station Road, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site relates to a semi-detached house on a corner plot at the junction of Nursery Drive and Station Road. It has a relatively large rear garden resulting in a significant gap between the house and the nearest house on Nursery Drive. A high hedge along the appeal site boundary, and a mature tree within its garden, partially screen views across the gap to the back of houses on Station Road. Nonetheless, the rear of the appeal property remains visible from Nursery Drive and as such contributes to the street scene.
4. A 2 storey wing projects from its rear elevation. It is set in from the side of the house and 2 wooden sash windows on the ground and first floor, with the latter visible from the street. The rear wing adjoins a rear wing extending from the neighbouring house, No 140, with which it shares a steep pitched roof. Additional wings project from this main outrigger in the form of a ground floor lean-to on the appeal property and a 2 storey rear extension on No 140, both have single pitched roofs.
5. The proposed development would replace the existing rear wings with a wider 2 storey extension that would extend back to the extent of the existing lean to,

and neighbouring 2 storey wing, which it would be joined to. The extension would be set in from the side of the house but, because of its extra width, the 2 original sash windows on the ground and first floor would be lost. Instead, 2 sash windows would be added side by side on the first floor. Glass sliding doors on a lean-to at the back of the wing would lead to a patio and back garden.

6. In addition to being wider than the existing rear wing, it would be wider than the adjoining wing on the neighbouring house and thus appear bulky, overly dominant, and out of keeping with both properties. The position of the 2 windows next to each other would draw attention to the increased width and fail to compensate for the loss of the original windows. The roof pitch on the proposed development would be shallower than its adjoining neighbour. This would be visible from the street and give an awkward and contrived appearance. Overall, I conclude on this main issue that the proposed development would harm both the character and appearance of the host property and that of the immediate street scene and thus would conflict with Policy PG3 of the Birmingham Development Plan (2017) (BDP), Policy DM2 of the Development Management in Birmingham Development Plan Document (2021) (DMBDPD), the BDG and the National Planning Policy Framework (2023) (the Framework) which require high quality design that reinforces local distinctiveness and complements the character of the host building and its surroundings.

Living conditions

7. The rear garden at the appeal site slopes down away from the house with steps from the existing rear paved area down to a lawn. The boundary with No 140 includes a section of approximately 2m high close board wooden fence with a hedge of a similar height extending from it. Further down the garden the hedge is slightly lower but nonetheless provides substantial screening, limiting views into the neighbour's garden.
8. The proposed patio would be approximately level with the existing paved area, but because it would extend further into the garden, as it slopes down, at its furthest point from the house it would be 0.38m higher than the existing ground level. However, it would be set back behind the fence line, such that the fence would continue to screen views between the appeal site and the neighbour's garden where it is closest to the house. In my view, the impact on the privacy of neighbours would be minimal and not enough on this issue alone to justify withholding planning permission. I therefore conclude that the proposed development would not conflict with Policy PG3 of the BDP, Policy DM2 of the DMBDPD, the BDG and the Framework which seek to prevent development from having an unacceptable adverse impact on the amenity of neighbours. As noted by the appellant, the reason for refusal in the Council's decision refers to Policy TP27 which deals with new housing, rather than an extension to an existing house. As such it is not relevant to the proposal.

Other matters

9. The appellant has provided photographs of other extensions within the area suggesting that they are similar to the proposal and that it should therefore be approved. However, none of the examples were directly comparable with the appeal proposal because they were not in as visually prominent a position as the appeal site and their designs were different to that of the proposed development. In any case, I have come to my own view regarding the

acceptability of the proposed development rather than relying on the approach the Council may have taken elsewhere.

10. The appellant has referred to their permitted development rights as a potential fall-back position. I have no details of an alternative scheme demonstrating that it would be more harmful than the current proposal. As such, it is a matter of negligible weight.

Conclusion

11. I have considered all other matters raised in support of the appeal, including the processing of the planning application and the absence of objections from occupiers of the neighbouring house. However, for the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR