



Appeal Decision

Site visit made on 29 February 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2024

Appeal Ref: APP/P4605/D/23/3333862

65 Cliveden Avenue, Perry Barr, Birmingham B42 1SW

- 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 Humaid Chowdhury against the decision of Birmingham City Council,
 - The application Ref 2023/05535/PA, dated 21 August 2023, was refused by notice dated 6 October 2023.
 - The development proposed is single-storey rear and front extensions.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of single-storey rear and front extensions at 65 Cliveden Avenue, Perry Barr, Birmingham B42 1SW in accordance with the terms of the application Ref 2023/05535/PA, dated 21 August 2023, subject to the conditions set out in the attached Schedule to this decision.
 - 1) the development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: 1417-01 Rev I, 1471-02 Rev I, 1471-03 REV I, 1471-04 REV I, 1471-05 REV I, 1471-06 REV I, 1417 I 07 REV I, 1471I-08 REV I, 1471 I-09 REV I, 1417I -10 REV I, 1417 I-11 REV I, 1471 I- 12 REV I, 1471 I -13 REV I.

Main Issues

2. The main issues are the effect of the development on: - i) the living conditions of the occupiers of the neighbouring properties, Nos.63 and 67 Cliveden Avenue with regard to light and outlook; and ii) the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

3. Extending across the full width of the property the proposed rear extension would project a depth of 4.5m along the shared boundary with No.63. However, due to the neighbour's existing extension the protrusion beyond

would be less than a third and the relationship would not breach the 45-Degree Code¹ as set out in City Note LW-4 of the Birmingham Design Guide (BDG) – Healthy Living and Working Places City Manual.

4. To the other side, No.67 is sited slightly further forward and therefore the depth of the built form along the shared boundary would relate to more of their garden. The nearest ground-floor window is set away from the boundary, and there is an existing projection off the back of their garage adjacent to the window. As demonstrated by the appellant's diagram this impinges into a 45-degree line taken centrally from that window and will restrict the outlook toward No.65. A large proportion of the proposed extension will also breach the 45-degree line but is set further away, and the flat-roofed form of the extension would not protrude significantly above the height of the boundary fence. As such, I do not find that the extension would be of a scale which would be overbearing and as I observed on my site visit several other properties in the vicinity have large single-storey extensions.
5. As set out in the BDG – Principles Document (page 40) the 45-Degree Code is a useful tool, it provides a baseline guide but there is flexibility, and each proposal is to be assessed on a case-by-case basis. Having regard to the existing relationships and the limited height of the development I do not find that it would significantly harm the outlook or result in a material loss of light to No.67.
6. I therefore conclude that the rear extension would not have an unacceptable effect on the living conditions of the neighbouring properties through loss of light or outlook. Thus, the proposal would accord with policy PG3 of the Birmingham Development Plan 2031 and policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document 2021 (DPD) directed to place making and protecting the amenities of residents from any harmful effects of new development.

Character and Appearance

7. The semi-detached property is reflective of the style and form of properties along Cliveden Avenue with projecting front bay windows and a garage to the side, up to the boundary. In many instances, including the appeal property, the garage has been converted and the projecting single-storey porch element extends across.
8. The proposed alterations would slightly increase the depth of this single-storey element to align with the neighbour's garage. It would therefore not project beyond the building line and the bay form of the window replicates the existing window.
9. Whilst the Council appear to express a preference for a reduced depth and a flush window, I do not find that this element is a defining or consistent architectural feature. The porch elements to properties along the road exhibit a variety of depths, roof forms and fenestration detailing, including those with bay or bow windows. Due to this variation, and that the extension is to adjoin No. 67, the differences with the porch element to the other half of the semi-detached pair, would not be visually conspicuous. Additionally, the pitched roof

¹ 45 degree line show on plan 1471I -03 REV 1

form of the porch to No.63 is already different and due to other extensions, the pair is not symmetrical.

10. Consequently, I do not find that the scale and design of the front extension would unbalance the appearance of the semi-detached property or would be an incongruous feature to be harmful to the wider character of the area. The proposed development would therefore accord with policy PG3 of the Birmingham Development Plan 2031, the Birmingham Design Guide 2022, and the National Planning Policy Framework. Together and amongst other things these seek to ensure high-quality development that reinforces local distinctiveness and complements the character of the host building and its surroundings.
11. The Council also refers here to DPD policy DM2, but that policy relates to neighbours' living conditions and does not appear to be directly relevant to the issue of character and appearance.

Conditions

12. In line with the conditions suggested by the Council I have imposed standard conditions relating to the commencement of development and to require compliance with the submitted plans. Also, in the interest of the character and appearance of the area, a condition is necessary to ensure that the development is carried out with materials to match the host property.

Conclusion

13. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR