
Appeal Decision

Site visit made on 22 March 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024.

Appeal Ref: APP/P4605/D/24/3337340

19 Beechmore Road, Birmingham B26 3AR

- 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 Gent Bejko against the decision of Birmingham City Council.
 - The application ref 2023/05979/PA dated 1 September 2023 was refused by notice dated 9 November 2023.
 - The development proposed is the erection of a first floor side and rear extension and a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant describes the proposed development as for '*the erection of a double storey rear and side extension*' whereas the local planning authority (LPA) describes it as for '*the erection of a first-floor side and rear extension and a single storey rear extension*'. I have used the latter description in the banner heading above as it more accurately describes the proposed development.
3. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

The Main Issues

4. The main issues are the effect of the proposed development upon (i) the living conditions of the occupiers of No. 21 Beechmore Road with respect to daylight and outlook, and (ii) the design, character and appearance of the host property and area.

Reasons

Effect upon the living conditions of the occupants of No. 21 Beechmore Road

5. The Council's Design Guide 2022 which refers to the Birmingham Design Guide Supplementary Planning Guidance 2006 (SPG), seeks to protect the living conditions of neighbouring properties in terms of light and outlook. The SPG states that one of the factors which will be taken into account in respect of these matters is whether any adjoining new development would breach a theoretical line drawn at 45 degrees from the main window of a habitable room of an adjoining property.
6. The host property currently includes a rear conservatory which breaches the 45 degree code in this way, though it contains large areas of glass which might be expected to let light through to the adjoining property. However, the windows are opaque which reduces any such mitigating effect.
7. The proposed replacement single storey extension would be of a comparable size, height and position to the conservatory, and as it would face south-south west it would only intersect the arc of the sun for a limited period during the day. Its limited height would also allow the sun to shine over the top of it for at least part of the year.
8. I have taken into account that the occupier of the adjoining property has confirmed that there is no objection to the proposed development, though I have considered the matter from the point of view of future occupiers. Overall, I consider that there would be no significantly greater loss of light than might currently occur.
9. I do not consider that there would be a significantly adverse effect upon outlook from the adjoining property, bearing in mind the comparable size, height and position of the proposed development when compared to the existing conservatory with its opaque windows.
10. Therefore, I conclude that, while there would be a technical breach with the 45 degree code, the proposed development would not be contrary to its aim of protecting the living conditions of the occupants of No.21 Beechmore Road in terms of light or outlook. It would therefore accord with the Birmingham Design Guide 2022, policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document 2021 (DM DPD), and with the Framework, all of which aim to protect the amenities of existing residents. Policy PG3 of the Birmingham Development Plan 2017 is only pertinent in so far as it requires good design.

Design, character and appearance.

11. Beechmore Road in the vicinity of the appeal property is characterised in the main by two-storey, semi-detached houses with single storey side additions which allow glimpses of the sky above the latter and where the general absence of two storey additions prevent the appearance of a terracing effect, especially when viewed from the public domain. The design arrangement adds positively and distinctively to the character and appearance of the area.
12. The proposed two storey side extension, by reducing such space, would significantly and adversely affect the current pleasing effect as described above thereby causing harm to the design of the host property and how it is

experienced in the context of the character and appearance of the street-scene.

13. Therefore, I conclude that the proposed development would not accord with policy PG3 of the Birmingham Development Plan 2017, the SPG, policy DM2 of the DM DPD, or Chapter 12 of the Framework, all of which stress the need for development to respect the local area's context and for architectural cohesion with the surrounding area.

Conclusion

14. While I have found that the proposed development would not adversely affect the living conditions of the occupiers of No. 21 Beechmore Road, I have concluded that the proposed development would adversely affect the character and appearance of the area and would constitute poor design. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR