

Appeal Decision

Site visit made on 26 April 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2024

Appeal Ref: APP/P4605/D/23/3335987
228 Selsey Road, Birmingham, B17 8JN

- 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 Luigi Gaeta against the decision of Birmingham City Council.
 - The application Ref 2023/04617/PA, dated 5 July 2023, was refused by notice dated 17 October 2023.
 - The development proposed is a rear extension to dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 226 Selsey Road, with regards to outlook.

Reasons

3. The appeal property is a two storey end of terrace brick-built dwelling located in a residential area. Like other dwellings within the terrace, the appeal property has a small front garden area with a low brick wall and has a longer garden to the rear.
 4. There is a narrow gap between the appeal property and Number 226 Selsey Road, which is a similar end of terrace dwelling.
 5. Both the appeal property and No 226 have single storey projections to the rear. However, these are constructed such that there is a comfortable gap between each dwelling and its boundary fence. Together with the narrow gap between the two dwellings, this provides for a reasonable outlook to the gardens to the rear from the ground floor of each dwelling, between the projections and tall boundary fencing.
 6. The proposed development would extend the rear of the appeal property such that it would effectively fill the existing gap to the boundary fence adjacent to the narrow gap to No 226. The height of the proposal is such that it would rise well above the height of the tall boundary fence immediately alongside it and further, the proposed lean-to roof would rise considerably in height towards the side of the appeal property.
-

7. I find that this would result in an extension that would, due to its height, close proximity and rear projection, appear to "loom" above the side of No 226's rear garden to an overbearing degree when seen from this neighbouring dwelling's rear-facing ground floor window. The proposal would appear unduly dominant when seen from the rear of No 226 and it would result in an oppressive "tunnel" effect from this rear outlook.
8. Taking all of the above into account, I find that the proposed development would harm the living conditions of the occupiers of Number 226 Selsey Road, with regards to outlook, contrary to the National Planning Policy Framework and to the Council's Birmingham Design Guide Principles Supplementary Planning Document (2022), which together amongst other things, seek to protect residential amenity.

Conclusion

9. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR