

Appeal Decision

Site visit made on 17 June 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3RD July 2024

Appeal Ref: APP/P4605/D/24/3341552
45 Sundridge Road, Birmingham, B44 9NY

- 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. Hussain against the decision of Birmingham City Council.
 - The application Ref is 2024/00798/PA.
 - The development proposed is the erection of two storey side and rear and single storey rear extension and single storey forward porch extension with front canopy.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In the interests of accuracy, I have adopted the description of the development used by the Council in its decision notice rather than that contained in the application form.
3. The Council has pointed to some discrepancies in the submitted plans but say that these have not affected its ability to properly understand and assess the appellant's proposals. I think likewise and will assess the proposal based on the submitted plans. I noted a further discrepancy, that is, the chimney shown on the existing and proposed plans has been removed.
4. The appellant's appeal statement is not directed to the reasons for refusal or the planning merits of the case but is primarily comprised of complaints related to the Council's handling of the original application. It is not part of my remit to comment or adjudicate on such complaints, rather it is to determine whether the Council's decision to refuse permission was justified or not.

Main issues

5. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and the surrounding area, and (b) on the living conditions of the residents of the neighbouring property, 47 Sundridge Road, with reference to light and outlook.

Reasons

Character and appearance

6. The appeal property is located at the end of a small terrace of three dwellings set in a predominantly residential area. The terrace was built as a single entity, but viewed from the front, it has an asymmetrical appearance, with the

northernmost of the dwellings displaying a pronounced gable in its front elevation. For the reasons explained in the officer report, the proposed works to the front are not opposed by the Council, and I have no reason to disagree with this assessment.

7. The appeal property is different to the other dwellings in the terrace in that it sits in a far larger plot, being significantly wider and longer than the others. Moreover, a generous gap exists between the appeal property and the next dwelling southwards, 39 Sundridge Road. For these reasons I consider that the site can accommodate a substantial extension as proposed without appearing cramped or overdeveloped or affecting local character as a result.
8. The proposed extension, when viewed from the front and rear, would appear well-designed and subservient to the host property. Viewed obliquely from the south, the increased mass would become more apparent, but the main element would be well set back within the site and would not prove visually offensive. Thus, although the dwelling would be substantially extended, its most obvious characteristics would be retained, particularly at the front where it is most prominent in the public realm.
9. I therefore conclude that the proposal, if built, would sit acceptably in its visual context without harming the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those provisions of policy Policy PG3 of the Birmingham Development Plan 2017 (BDP) directed to demonstrating high design quality.

Living conditions

10. It is proposed to build an extension about 6m deep on the common boundary separating the appeal property and No 47. A high fence demarcates the boundary and taking account of its solid presence, were the extension single storey for the whole of its depth, it would have little impact on the neighbouring residents. However, that is not the case, the intention is that the extension would be two storey for about half its depth.
11. Since the extension would be sited to the south of No 47, it would cast shadows for much of the day over its rear elevation and that part of the garden closest to it affecting the light entering its rear windows.
12. Outlook from this part of the property would also be harmed and the two storey element would appear oppressive when viewed from No 47 at such close quarters. I have no objection to the principle of a two storey rear extension, but in my view, it should be sited further away from the common boundary at a point where it would not cause unacceptable harm.
13. Accordingly, I conclude that the proposed extension would harm the residents of the neighbouring property (No 47) by reason of loss of light and outlook. A material conflict therefore arises with the provisions of Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document 2021 which seeks to ensure that new development does not result in adverse impacts on the amenity of occupiers and neighbours.

Other matters

14. The references to other aspects of the Council's guidance, including the references to the 45⁰ code have been considered and taken into account.
15. No other matter raised is of such strength or significance as to outweigh those considerations that led me to my overall conclusions set out below.

Overall conclusions

16. I find for the appellant in respect of the first main issue that of the effect of the proposals on the character and appearance of the host property and its surroundings. However, I find against him on the second main issue, the impact on the living conditions of neighbouring residents. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR