

Appeal Decision

Site visit made on 17 June 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/P4605/D/24/3343617
42 Hickman Road, Birmingham, B11 1NE

- 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 Ali Bahadur against the decision of Birmingham City Council.
 - The application Ref is 2023/07353/PA.
 - The development proposed is the erection of first floor rear extensions.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at 42 Hickman Road, Birmingham, B11 1NE in accordance with the terms of the application, Ref 2023/07353/PA, subject to the conditions set out in the attached Schedule.

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.

Main issues

3. The main issues are the effect of the proposed development: (a) on 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, 40 Hickman Road, with reference to light and outlook.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwelling which shares a garden with its adjoined dwelling No 44. The appellant seeks to build above existing single storey elements in the side and rear elevations without increasing footprint. The pair has been subject to significant change at the rear so that the '*traditional winged character of the property*' mentioned in the officer report has already been irretrievably lost.
5. The result, in visual terms, would be to effectively match the rear of the appeal property with that already existing next door, at No 44, giving the pair an overall unity. The pattern of local development is such that the proposal would have no effect on the public realm, and this is a significant factor in my finding that this is a modest, unobjectionable proposal in visual terms.

6. 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

7. As the officer report suggests the existing protrusion at the rear of the appeal dwelling is of a mass and height that the application of the Council's 40⁰ Code to some of No 40's fenestration results in failure. The Council says that the additional extensions would make matters worse with regard to outlook and light for the residents of No 40. However, the Council has not demonstrated with reference to any empirical evidence why this should be the case, but relies instead on a subjective assessment.
8. I take the view that the proposed extension at the side of the extant rear protrusion would be too narrow to have any discernible additional effect on or worsening in No 40's amenities. Similarly, the proposed rear extension upwards is too far away from the fenestration of concern to have any additional discernible effect on or worsening in No 40's amenities.
9. Accordingly, I conclude that the proposed extensions would not harm the residents of the neighbouring property (No 40) by reason of loss of light and outlook. No 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.

Conditions

10. The Council has suggested some conditions, which shall be imposed. In the interests of clarity and certainty, it is necessary that the development hereby permitted shall be carried out in accordance with the approved plans.
11. In the interests of visual amenity, a condition is imposed to ensure that the materials used in constructing the external surfaces of the development shall match those of the existing building.

Other matters

12. Although not decisive in my considerations, I note that the residents of No 40 did not object to the proposal when consulted. All other matters raised have been taken into account, but none is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: the location plan and plans Ref: 42-PP-004; 42-PP-011; 42-PP-012; 42-PP-013 & 42-PP-014.
3. The materials to be used on the external surfaces of the proposed extensions shall match those of the original building.