



Appeal Decision

Site visit made on 7 October 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/P4605/W/24/3345462

31 Barnard Road, Sutton Coldfield, Birmingham B75 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Paula Doyle against the decision of Birmingham City Council.
 - The application Ref is 2023/08156/PA.
 - The development proposed is for a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, and;
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to privacy and light.

Reasons

Character and appearance

3. The appeal site is to the rear of No 31 Barnard Road (No 31), a two-storey detached dwelling on the junction of Barnard Road and Whitehouse Crescent. Whilst dwelling styles vary there is a general consistency in building lines with properties set back from the highway with predominantly long rear gardens in generous plots. This pattern and density of development creates a sense of spaciousness and consistency which contributes positively to the character and appearance of the area.
4. The proposal would introduce a single storey dwelling between the rear of No 31 and No 76 Whitehouse Crescent. While the proposed materials and form of the dwelling would be reflective of surrounding residential properties, the proposal would project forward of the building line of the adjacent bungalow and also beyond the side elevation of No 31, disrupting the generally consistent building line. Whilst the National Planning Policy Framework (the Framework) does not preclude forward projections, the Framework does set out that development should maintain an areas prevailing character.
5. The rear elevation would sit in close proximity to the rear boundary with the garden located to the side of the proposed dwelling. Whilst the garden size would accord with the standards set out in the SPD, the proposal as a whole

would nevertheless appear cramped owing to the overall smaller plot size in comparison to surrounding properties.

6. For the reasons above, I conclude that the proposal in this location would be at odds with the prevailing pattern of development in the area and would therefore appear as an incongruous and uncharacteristic form of development which would result in an adverse effect on the character and appearance of the area. The proposal would therefore conflict with Policy PG3 and TP27 of the Birmingham Development Plan (2017). These, amongst other matters, require development to reinforce local distinctiveness with design that responds to the local area context and creates a strong sense of place. It would also conflict with the Birmingham Design Guide (2022) (BDG) which has similar aims and Section 12 of the Framework. This amongst other matters, seek development that is sympathetic to local character.

Living conditions of future occupants

7. The first-floor windows to the rear of No 31 serve a bathroom and bedroom. The rear elevation of this property would be located approximately 13.5 metres from the side elevation of the proposed dwelling, which has windows and doors serving habitable rooms that look out to the garden area.
8. The Council argues that the proposal would fail to meet the 21 metre separation distance specified in the BDG. However, this requirement only applies between building faces of two-storey dwellings. The proposed development would comply with the 12.5 metre minimum distance between elevations with habitable room windows and opposing flank walls set out in the BDG and would be set back from the shared boundary by 5.5 metres. Given that the proposal would meet these minimum standards and taking into account the proposed 2 metre high boundary fence, I consider that the relationship between No 31 as currently built and the proposed dwelling would be acceptable and would not result in an unacceptable level of overlooking for future occupants.
9. However, I am aware that there is an extant permission for a two-storey rear extension at No 31. The approved extension at No 31 is shown on the submitted site plans, and there is no evidence to suggest that it would not be built out. The extension would result in part of the rear elevation projecting close to the shared boundary. This would fail to meet the separation distances set out in the BDG. I acknowledge the windows on the first-floor rear elevation of the extension are small and serve a dressing room and a secondary bedroom window. I also note that the appellant has suggested these could be obscurely glazed, however I have no agreement before me to secure this. Consequently, I find that direct overlooking would be possible from these windows, even with the shared boundary fence, into the main outdoor amenity space of the proposed dwelling. Even if these rooms were unoccupied, the close proximity would in my view lead to a perception of overlooking given the close proximity. The relationship of this two-storey extension with the proposed dwelling would compromise the privacy of future occupiers when using their garden and would not provide acceptable living conditions.
10. Turning to light, the side elevation and outside amenity space of the proposed dwelling would be south facing and this would ensure future occupants would receive reasonable levels of daylight. The proposed two metre boundary fence will likely create some overshadowing in the rear garden of the proposed

dwelling, and as such I consider that the proximity of No 31 would not substantially reduce the amount of daylight and sunlight reaching the proposed dwelling to an unacceptable level. This remains my view even if the extant permission for an extension to the rear of No 31 was carried out.

11. For the above reasons, while I find that the proposed development would provide acceptable living conditions for future occupants with regards to light, I have found that it would not provide acceptable living conditions in relation to privacy. It would therefore conflict with Policy DM2 and DM10 of the Development Management in Birmingham Document (2021) (DMD). These, amongst other matters require development to not have an adverse effect on the amenity of occupiers and to protect residents privacy.

Other Matters

12. My attention has been drawn to No 99 Whitehouse Crescent and No 33 Barnard Road opposite the appeal site. I note that No 99 has been constructed on the former garden of No 33. However, this is not representative of the wider area. Furthermore, No 99 maintains the building line of the properties that are sited to the north.
13. I have limited information regarding the permission granted at 1 Hollyfield Road. However, I did observe this on my site visit and found the pattern of development was more varied than that surrounding the appeal site. Whilst the dwelling on the corner of Honeybourne Road and Cotysmore Road projects beyond the building line of the neighbouring properties on Honeybourne Road, the front elevation facing Cotysmore Road does maintain the prevailing building line, also mirroring the property on the opposite side of the road. I thus do not find these examples directly comparable to the appeal scheme. In any case each appeal is determined on its own merits based on the site specific circumstances.
14. I have had regard to the absence of objections from statutory consultees. However, this does not alter my findings in relation to the harm which I have identified.

Planning Balance and Conclusion

15. I understand that the proposal would provide further flexibility for family living arrangements. However, I do not consider that these personal circumstances provide sufficient justification to outweigh the harm I have identified from the proposal.
16. The proposal would represent an efficient use of land in a sustainable location, contributing to the supply and mix of housing. The proposal would have some economic benefits, both short term through jobs created during construction and longer term with future residents spending in the local economy. However, collectively the benefits would be modest due the limited scale of the development and they do not outweigh the harm that I have identified.
17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett INSPECTOR