



Appeal Decision

Site visit made on 13 November 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2024

Appeal Ref: APP/P4605/W/24/3346937

42 Alton Road, Birmingham B29 7DU

- 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 Mr K M Farrow against the decision of Birmingham City Council.
 - The application Ref is 2024/00068/PA.
 - The development proposed is a change of use from a house in multiple occupation (HMO) falling within Class C4 of the Town and Planning Use Classes Order 1987 (as Amended) to a sui generis HMO together with a single storey rear extension, a front dormer extension and a rear dormer extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit works including a ground floor extension and dormers to the front, rear and side roofscapes were being carried out to the appeal property. The works were not in accordance with the plans submitted with this appeal. For the avoidance of doubt, I have based my decision on the plans which were before the Council when it made its decision and which were submitted with this appeal.

Main Issue

3. The effect of the rear dormer and single storey rear extension on the character and appearance of the area.

Reasons

4. This appeal concerns a two-storey end of terrace property which occupies a corner plot within a predominantly residential area comprised of similar properties, many of which appear to be in use as HMOs.
5. The proposed rear dormer extension would lack a discernible set in from the side gable wall and the set in from the neighbouring property would also be marginal. As such, it would fill much of the width of the rear roof slope and thus would be a bulky addition to the host property. Contrary to the guidance in the Birmingham Design Guide: Healthy Living and Working Places City Manual (September 2022), it would not be modest in size and would dominate the appearance of the roofline.
6. I acknowledge the numerous examples of rear dormers in the area and accept they are established features in the locality. However, I observed that not all make a positive contribution to the character of the area and, moreover, it is important that each proposal is considered on its own merits.

7. Whilst rear dormers can often be constructed through the utilisation of permitted development (PD) rights, it has not been clearly demonstrated in this instance that such a PD extension would be similar to the appeal proposal. Furthermore, given the works being carried out at the host property, which include a dormer extension to the rear outrigger, I am not convinced that even if a similar dormer could be erected under PD rights that there would be a real prospect of this occurring. As such, I afford this matter limited weight.
8. With regards to the proposed single storey rear extension, it would project substantially into the rear garden, it would infill the space to the side of the original outrigger and it would be of a generous height. Overall, it would introduce an intrusive and significant mass to the rear of the property which would harmfully compete with its distinctive original characteristics. This would be readily apparent from public vantage due to the property's prominent corner position, despite the retained and proposed boundary treatments.
9. I also note that the single storey rear extensions that could be constructed under PD rights, as indicated by the appellant, would be considerably different to the appeal proposal and may also be subject to prior approval. There is no certainty that this would be forthcoming. Therefore, such additions do not represent a comparable or realistic fallback.
10. My attention has been drawn to previous approvals in the locality. Based on the information before me and my observations during my site visit, the examples at 79 Rookery Road and 6 Coronation Road are not directly comparable to the appeal proposal as they are of a smaller scale and different design.
11. The single storey rear extension at 126 Bournbrook Road is also not of a significant projection beyond the two-storey rear outrigger, unlike the appeal proposal whose projection and width would result in a visual dilution of the property's traditional character. Furthermore, the Council notes in its officer report for No 126 that it would not be highly visible due to boundary treatment and that its design would assist in mitigating any visual impact.
12. Taking all the above into consideration, the appeal proposal would harm the character and appearance of the area. It therefore conflicts with Policy PG3 of the Birmingham Plan 2031: Birmingham Development Plan (January 2017) which aims for developments of a high design quality which reinforce and respond to local distinctiveness.
13. The Council refer to Policy DM2 of the Birmingham Plan 2031: Development Management in Birmingham Development Plan Document (December 2021) within the decision notice however I consider it is not directly relevant to this main issue.

Conclusion

14. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR