



Appeal Decision

Site visit made on 6 December 2024

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/P4605/D/24/3351384

63 Woodfield Road, Kings Heath, B13 9UL

- 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 Kevin White against the decision of Birmingham City Council.
- The application reference is 2024/02173/PA.
- The development proposed is erection of two storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024; however, the key changes are not considered to impact upon the determination of this appeal in relation to the main issues noted below.

Main Issues

4. The main issues are the impact of the proposal upon i) the existing dwelling and the street scene and ii) the residential amenity of occupiers as well as neighbouring residential amenity.

Reasons

The existing dwelling and the street scene

5. The appeal site is a detached property which is set back from the road with a driveway to the front and to the rear. The host dwelling is noted to have been previously extended with a two-storey winged design extension with a gable end. The appeal site benefits from a long garden to the rear as well as an existing outbuilding which is immediately adjacent to the boundary with 61 Woodfield Road (no. 61). The outbuilding has a height in the region of 3.5 metres – 3.9 metres¹ and would be demolished as part of the proposals. I note from my site visit that both number 61 and 65 Woodfield Road (no. 65) have existing two storey wings to the rear elevation with single storey extensions to the end of the wings in question.
6. The proposal seeks to extend the host property via a two-storey rear extension to the rear elevation which would have a depth in the region of 9 metres. The

¹ The appellant outlines that the height of the outbuilding is approximately 3.9 metres nearest the dwelling, to 3.5 metres at the end furthest from the house

proposed depth would exceed the existing depth of the host property which has already been extended to the rear, with a two-storey extension, in the region of 7 metres deep. I find that, cumulatively, the extensions to the host dwelling would be significant and whilst I acknowledge that the appeal site would, for example, be left with sufficient parking and garden space for future occupiers I do not find that the extensions, combined, could be considered subservient in character or appearance compared to the host dwelling itself.

7. I do not find the proposal to be arguable as a small extension of the existing built footprint and it is relevant to take into account that the host dwelling has been previously extended. It is the cumulative scale of the overall extensions which would be disproportionate, and dominate, the appeal site/host dwelling. I note, from the appellant's statement of case, that there are examples of varied additions to what are generally large dwellings within the vicinity, however, from the satellite imagery of the rear elevations of the street scene I do not find that there are proposals which could be said to be overall comparable to those which are before me as a result of cumulative extensions. The proposal would, therefore, be incongruous within this location.
8. The Birmingham Design Guide Supplementary Planning Document 2022 (SPD), as guidance, advises that that extensions should be smaller than the main part of the house and not dominate its appearance. Contrary to this guidance I find that the proposed extensions would significantly dominate the host dwelling and that their presence would be exacerbated as a result of the roof design, designed with a cat slide style roof, which does appear to have been designed as such to overcome potential impact to neighbouring properties. It is noted that the design can be a subjective matter, however, it is notable in this case that the extension, and proposed roof design, matches with the lines of the 45-degree code which strongly suggests the design is as such in order reduce the impact to neighbouring property. This results in a proposal that appears contrived in its design.
9. The Council's first refusal reason outlines that the proposal would dominate the street scene, however, whilst some elements of the extension may be visible in views to the side of the host dwelling, I do not find that this would be at a level that could be reasonably described as dominating the street scene. Whilst the proposals may not be visible from any other area of the public realm, because the rear of the building is not visible from surrounding streets due to the urban grain and street pattern, it should be kept in mind that character, and appearance, are entirely separate matters. For the reasons outlined within this decision letter I do not find that the cumulative extensions, proposed, would respect the character of the host dwelling nor that there are examples of similar scale extensions (cumulatively) within the vicinity of the appeal site – the proposal would be uncharacteristic.
10. I note that the proposal would result in demolition of the existing outbuilding and that the depth of the extension would be consistent with the footprint of the existing outbuilding, as shown on the submitted plans, but I do not find the bulk, scale and massing of the proposed extension to be comparable to the existing mono pitched outbuilding which stands on the boundary. I do not find that a higher threshold has been placed upon the dwellings existing character and appearance than is necessary. It is a commonly accepted approach, to householder extensions, that they should not be disproportionate nor completely dominate the host dwelling in

bulk, scale and massing. As a result of the above issues I find that the proposal would be contrary to the Birmingham Development Plan 2017 (LP) Policy PG3 which expects development to demonstrate high design quality and reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context.

11. The proposal would also be contrary to the Framework which seeks to ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture and layout as well as being sympathetic to local character and the surrounding built environment. Paragraph 139, of the Framework, is also clear that development that is not well designed should be refused especially where it fails to reflect local design policies with significant weight being given to any local design guidance and supplementary planning documents.

Residential amenity of occupiers and neighbouring residential amenity

12. In relation to no. 65, the proposed extension would breach the 45-degree code from the ground floor lounge and the first-floor bedroom window. This breach would, however, be minimal as a result of the very end of the building as shown on the submitted plans demonstrating the 45-degree line stated to be from the ground floor window. Based upon the evidence before me and noting that whilst the 45-degree code is good practice, it is ultimately guidance. Taking into account the site characteristics within the case before me I do not find that the proposal would result in detrimental impact on the light and outlook to no. 65 and that adequate outlook and daylight would likely be retained as a result of one corner of the proposal breaching the 45-degree code line in question from the rear facing window.
13. The proposal would, however, fail to meet the 12.5 metre separation distance to the side facing kitchen window and dining room window to no. 65. The proposed side facing window would also fail to meet the 5-metre separation distance to the rear garden of no. 65, however, as already noted by the Council, this window would not serve a habitable room, and a condition could be added to any permission granted for the window to be obscurely glazed to protect neighbouring privacy. As a result of failure to meet the required separation distance I do find that the proposal would result in detrimental impact on the outlook of no. 65 from the kitchen and dining room windows. Whilst I acknowledge, from my site visit, that there is a boundary fence in front of the windows in question it is likely that views, from the window, extend over the current fencing providing some level of outlook from these habitable rooms. The proposals, at two storey, would limit outlook resulting in unacceptable impact to the residential amenity of neighbouring occupiers as a result of inadequate separation distance.
14. No. 65 is located to the east, and it is noted to not be attached. I find that the extension would greatly expand the built footprint and, whilst it would be sited on the western side of the appeal site away from the shared boundary, the bulk, scale, and massing would be significantly different to that of the existing outbuilding as a result of two storey development. With reference to the existing and proposed layouts, replicated within the appellant's statement of case, it cannot be reasonably said that the separation distance to no. 65 is little changed. The proposed plans to show a clear increase in footprint, reducing separation distance notably with an increase in bulk, scale, and massing to two storey as a result of the proposal. The appellant acknowledges the concern raised regarding the amenities of no. 65 and

whilst I acknowledge that the primary objectives of the extension are to enhance the living conditions of the appellant, by expanding the living space, I do not find that the extension is necessary and justifiable against the impacts to neighbouring residential amenity. Even if I had concluded that the proposal was acceptable in terms of neighbouring residential amenity the appeal would still have failed due to my findings against the first main issue as outlined above.

15. The plan and elevation drawings (proposed) demonstrate that two of the proposed bedrooms would only have roof lights as a source of light and one bedroom itself would have no window at all. The bedrooms in question would have no outlook which would result in unacceptable, substandard, living conditions for future occupiers of the proposal. I do not find that such a concern is less applicable to private, single-family homes. I note there may be examples where bedrooms or other spaces have rooflights as the primary source of natural light, however I do not find that the appeal site is located within such a densely populated area to support that there is no unavoidable reason why the bedrooms as proposed are required or could not be overcome with alternative design. I acknowledge that, as a private residential dwelling, there is flexibility in how rooms are utilised, however, even if I agreed that rooflights were appropriate for two of the proposed bedrooms, I do not find that a proposal for a bedroom without windows, as is before me, is acceptable.
16. The proposal would be contrary to DPD Policy DM2 which outlines that development will need to be appropriate to its location and not result in unacceptable adverse impact on the amenity of occupiers and neighbours taking into account aspect and outlook as well as sunlight, daylight, visual privacy and overlooking. The proposal would be contrary to DPD Policy DM10 which seeks to apply separation distances between buildings and surrounding uses to protect resident's outlook and LP Policy TP27 which seeks to contribute to making sustainable places and meet the requirements of creating sustainable neighbourhoods. The proposal would also be contrary to paragraph 135 of the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

17. It is acknowledged that the appeal site is not listed, not in a conservation area, nor covered by an Article 4 direction and that the principle of residential development, in the form of extensions, is generally acceptable but there is still a requirement to consider extensions in the context of their host dwelling, general design as well as the impact upon future occupiers of the proposal as well as considering neighbouring residential amenity. For the reasons set out, within this decision letter, I do not find that the proposal has been designed to respect the host dwelling nor that it is proportionate.
18. Whilst it is noted that the Framework is supportive of making effective use of land, I do not find that this, in isolation, is supportive of substantial extensions to a single residential dwelling. Reference to supporting development that makes efficient use of land, within the Framework, is generally aimed at achieving appropriate densities and notwithstanding this there is still a requirement for decisions to take into account the desirability of maintaining an area's prevailing character and setting.
19. Each case should be considered on its own merits and whilst I note the appellant's contention that no. 65 and 67 respectively have had two storey rear extensions that

have been approved, however, I have considered the case before me on its own merits based upon the evidence available and my site visit. A lack of objection is a neutral consideration, and, in any case, the proposal would survive longer than the occupants of the host dwelling and neighbouring dwellings respectively, so the impacts have to be considered in the context of existing and future occupiers for the lifetime of the development.

20. I note the appellant's reference to the Framework, however, the starting point for determination is the Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Framework is, of course, a material consideration but does not change the status of the Local Plan. The three pillars of sustainable development should not be considered in isolation, and good design is key to achieving sustainable development and, in this case, I consider the proposal to be inconsistent with the environmental and social objectives due to failing to protect or enhance the built environment as a result of the issues and residential amenity as I have outlined. I acknowledge that the appellant would accept relevant conditions to render the proposal acceptable, however, the issues which I have found which predominantly arise from bulk, scale and massing of the proposal cannot be overcome or secured via condition.
21. Overall, the effects of the proposed extension would appear discordant with the built environment and would not enhance the host dwelling as a result of cumulative extensions which would dominate and be disproportionate. I do not find that the Local Plan is guidance that can be loosely enforced where the weight of harm is less than that of the benefits. The proposal is not one which falls to be considered in the context of a tilted balance, however, the harm I have identified in terms of impact to the host dwelling, living conditions of future occupiers and the impact to neighbouring residential amenity would be sufficient to outweigh any limited benefit arising as a result of improving a private residential dwelling which is the subject of this appeal.

Other Matters

22. I note comments made by the Moseley Society and I have dealt with matters raised within the main body of this decision letter. Concerns regarding accuracy of plans has been noted however there is sufficient information submitted to determine the appeal before me based upon the Council's stated refusal reasons and the appellant's statement of case.

Conclusion

23. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR