



Appeal Decision

Site visit made on 12 March 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/P4605/D/25/3359121

32 Cole Valley Road, Birmingham B28 0DB

- 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 S Dayus against the decision of Birmingham City Council.
 - The application Ref is 2024/06511/PA.
 - The development proposed is a new garage to the front, elevation changes (to an application approved for upwards extension reference 2024/04364/PA), a new roof with rear dormer, a bay window to the front and alterations to windows and doors.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal proposal would transform what was a low, hipped roof bungalow into a full 2 storey house with a gabled roof and a single storey rear extension, plus a detached garage structure to the front. At the time of my site visit the works to the house were at an advanced stage and the garage walls were mostly constructed. The appeal proposal is therefore largely retrospective. There are nevertheless several aspects of the proposal that lack clarity. This appeal decision must be based on the submitted plans, but it is also necessary to explore discrepancies between those plans and the situation on site.
3. There are previous approvals under the prior approval procedures set out in the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for both the upward extension of the house and an 8m long rear single storey extension. From the information before me, it appears that the current appeal proposal differs greatly from the upward extension approval. It is much bulkier, with full gables, a narrow section of high level flat roof, a large rear dormer, and a gabled front projection.
4. As far as I could see on site, without taking measurements, the upward extension and associated alterations appear to be being built in line with the submitted plans for the appeal, except in regard to materials. The appeal application form and plans specify the use of 'matching tiles' on the main roof plus felt on the flat roof. From a photograph supplied by the appellant, it appears that the original bungalow had brownish coloured tiles on its roof. The new main roof is now covered with what look like dark grey slates, which do not match the original tiles. The new flat roof over the rear extension is covered by what looks to be paving rather than felt.

5. Although the rear extension is not referenced in the description of proposed development (as set out above, quoted from the application form), there is a single storey rear extension shown on the submitted plans and this is evidently different from that previously approved, at least in that it would be less than 8m deep. The Council's refusal refers to a terraced area on top of this extension and the appellant's Appeal Statement refers to the rear extension as being part of the appeal proposal. I therefore take the rear single storey extension shown on the submitted plans to be part of the appeal. I note, however, that this is different to the extension currently being built, which is not single storey because it has a basement underneath. This basement cannot be part of the approved single storey extension and is also outside of the scope of this decision.
6. Finally, no elevation drawings, finished floor levels or sections have been submitted for the proposed garage structure. I saw on site that this is being built so that it would appear as a single storey building at the front but as a 2 storey structure at the back, again with basement or undercroft accommodation. I take it that the ground floor level as built is part of the appeal proposal, but the lower floor is not shown on the submitted drawings so is not in front of me for consideration.

Main Issues

7. The main issues are the effects of the proposal on:
 - i) The character and appearance of this part of Cole Valley Road; and
 - ii) Living conditions at neighbouring properties, with particular reference to loss of privacy.

Reasons

Character and appearance

8. 32 Cole Valley Road is part of a line of about 6 houses and bungalows set well back from the street on ground that slopes down steeply away from the road. They therefore sit well below street level. The bungalow at No 32 has been transformed into a full height 2 storey house, slightly higher than the house at No 36 to one side and far higher than the bungalow at No 30 to the other side.
9. The Council's concern in relation to the house extensions is that the gabled form and rear dormer would stand out as jarring and incongruous additions to the dwelling, conflicting with the prevailing hipped roof character of properties on this side of the road. There is a diverse range, however, of architectural forms and styles on Cole Valley Road, with some gabled roofs on both sides of the street. The house at No 32 sits back from and down from the road sufficiently that it is not an intrusive or particularly notable part of the street scene. As extended it has a reasonably similar height and bulk to No 36, even though that house does have hipped roofs. The narrow section of flat roof at the top of the house is just slim enough not to be particularly noticeable or visually harmful.
10. The rear box dormer, though substantial in size, is not an unusual feature and sits satisfactorily within the new rear roof slope. It is not particularly visible from the street scene and would mainly only be seen by neighbours and in longer distance views at the back. I have no objection to the proposed use of matching roof tiles, or for that matter to the slates as built. Overall, I find no objection to the upwards extension and associated alterations. Like the Council, I also find no objection to

the visual impact of the proposed single storey extension, which sits low down and to the rear of the house.

11. In the absence of adequate drawings of the proposed garage, I have to base my assessment at least in part on what I saw on site. The part-built garage is prominently positioned to the front of the house and at a much higher level. As currently being built, it would block much of the view of the house from the street, so that it would be a visually dominant structure. I note that No 30 next door has a garage in much the same position, but that appears to be a significantly lower structure, with less visual impact. I find that the proposed garage would, so far as can be determined from the scant information available, be an overly intrusive presence in the street scene.
12. I conclude that although the proposed extensions and alterations to the house would not harm the character and appearance of this part of Cole Valley Road, the proposed garage would cause undue harm in this respect. The proposal therefore conflicts with policy PG3 of the Birmingham Development Plan (BDP), policy DM2 of the Birmingham Plan 2031 Development Management in Birmingham Development Plan Document (DMB), the Birmingham Design Guide Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework), which taken together aim to ensure that all developments are of high design quality and reinforce local distinctiveness.

Living conditions

13. The Council's main concern in regard to this issue is that the flat roof over the rear single storey extension would be used as a roof terrace, giving short range views over neighbouring properties. The paving of this section of roof could suggest that such a use is intended and this would indeed harm neighbours' privacy. Use as a roof terrace could however, be restricted by a planning condition if permission was granted – as is done in many other similar cases. The Council also raises similar concerns about a balcony, which I take to be a lower level paved area at the very back of the property. This area is not clearly shown on the drawings, so again is not a clear part of the appeal proposal – but it is/could be fenced off for privacy in any case. At this low level, and this far back from the house, such fencing should not cause any significant harm to neighbours' living conditions.
14. The house sits in line with its neighbours, which retain open, sunny aspects across the valley. The proposal would not, therefore significantly affect neighbours' outlook or light. I conclude that the proposal would not harm neighbour's living conditions, subject to an appropriate condition. It accords in this respect with BDP policies PG3 and TP27, DMB policy DM2, the SPD and the Framework, which aim to ensure that developments do not result in unacceptable adverse impacts on the amenity of occupiers and neighbours, including in terms of privacy, light and outlook.

Other matters

15. The appellant submits that the existing approvals form a fall-back position that could be implemented if this appeal fails. I am not convinced that those prior approvals can now be implemented, given the extent of works already carried out. In any case, they are for much different extensions, especially the less bulky upper floor extension, and do not include the garage. I therefore give this fall-back position very little weight.

16. I have also taken into account the views of local residents. Construction noise and traffic should be relatively short term disturbances. Technical issues, including drainage and biodiversity, may need further resolution but would not be sufficient reason to withhold planning permission.
17. As I have found aspects of the proposal to be acceptable, I have considered whether a split decision could be issued - granting permission for just part of the proposal. The lack of certainty on so many matters has, however, led me to conclude that there is no clearly severable element of this scheme which could safely be approved.

Conclusion

18. I find that the proposal conflicts with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR