



Appeal Decision

Site visit made on 24 April 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 June 2025

Appeal Ref: APP/P4605/D/25/3359849

14 Ashdene Close, Sutton Coldfield, Birmingham B73 6HL

- 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 & Miss Gaffney & Gateley against the decision of Birmingham City Council.
 - The application Ref is 2024/06038/PA.
 - The development proposed is: Formation of habitable room in roofspace with rear dormer and raised ridge line.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area; and ii) the living conditions of the occupiers of 18 Ashdene Close (No 18), with particular regards privacy.

Reasons

Character and appearance

3. Ashdene Close is a residential cul-de-sac characterised by two-storey detached dwellings which are of a similar size and pitched roof form. There are variations in house design and type, which include dwellings with first floor dormers which project partially into the roofslope. However, 14 Ashdene Close (No 14) forms part of a row of dwellings (Nos 6 to 16 Ashdene Close) which are the same house type and have a uniform and cohesive appearance, simple pitched roof and typically a projecting garage, porch and bay window at ground floor below a roof canopy.
4. It is proposed to raise the ridgeline of the existing roof of No 14 and to construct a dormer to the rear to accommodate an additional bedroom and shower room within the roofspace. Nos 6 to 12 Ashdene Close have a very similar height of ridgeline but I observed that the row is slightly staggered, such that the ridgeline of No 14 and No 16 Ashdene Close (No 16) is lower than their neighbours. Although a relatively modest increase in height, the proposed ridgeline would nonetheless appear higher than its immediate neighbour at No 16 and would sit above the ridgeline of the rest of the row. As a result, the pitch of the roof plane would appear much steeper.
5. There is some difference in roof heights and variation in roof forms elsewhere along Ashdene Close. However, the proposed ridgeline of the roof, and different roof pitch, would appear as a discordant and unsympathetic alteration to both No 14,

and the wider row. In my view, the harm has not been overstated by the Council and the proposed development would be to the detriment of the uniform and cohesive character and appearance of the row of dwellings.

6. The proposed dormer would span much of the width of the rear roof plane of No 14 and would have a flat roof which would continue the height of the raised ridge line. Although it would be offset a reasonable distance from the eaves, the width and siting of the proposed dormer means it would dominate the rear roof of its host. Consequently, it would conflict with City Note LW-18 of the 'Birmingham Design Guide: Healthy Living and Working Places City Manual (2022)' (BDG) that dormer extensions should not dominate the roof, and the design and proportions must be in keeping with the house. Furthermore, the proposed dormer would appear unduly prominent when viewed from the spur of the cul-de-sac between 16 and 18 Ashdene Close from where the existing uniform rear roof form of the row of dwellings is visible.
7. Finally, my attention has been drawn by the appellant to examples of planning permissions for extensions in the local area considered similar to the appeal proposal. I note from the descriptions given that these include both dormer extensions and increases in ridge height, but I have no further information regarding their scale or context. I cannot therefore determine whether the examples are directly comparable to the proposal before me. In any event, my assessment is based on the particular characteristics of the appeal site and its context.
8. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would conflict with Policy PG3 of the Birmingham Development Plan (2017) (BDP) and Policy DM2 of the Development Management in Birmingham Development Plan Document (2021) (DPD) which together, amongst other things, require development to be appropriate to its location, demonstrate high design quality, contribute to a strong sense of place and respond to local context.

Living conditions

9. The windows in the proposed dormer would serve a landing and a bedroom and they would directly face towards the back garden of No 18. City Note LW-3 of the BDG requires the application of minimum privacy distances to protect residential amenity and privacy. Specifically, a setback of 5m per storey is required where primary windows would overlook the private amenity space of a neighbour. To comply with this standard, there should be a minimum 15m separation distance between the proposed dormer and the rear garden of the neighbour at No 18. The proposal would fall well short of this minimum standard. Consequently, there would be a conflict with the BDG guidance.
10. Even though there is existing landscaping along the common boundary, I observed that there is already a degree of overlooking toward No 18 from the two existing rear bedroom windows at first-floor of No 14. The flank elevation of No 18 is offset to the right of the rear boundary of No 14 and because of this siting, the overlooking is principally toward an area of patio and garden closest to the rear of the dwelling. This is a part of the garden where you would reasonably expect a degree of privacy from neighbours. The windows in the dormer increase the overlooking from an elevated position and in reasonable proximity. Therefore, the dormer windows

would lead to an intrusive loss of privacy for the neighbours which would be to the detriment of the enjoyment of their garden.

11. I therefore conclude that the proposed development would cause significant harm to the living conditions of the neighbours at No 18, with regard loss of privacy. It would conflict with BDP Policy PG3 and DPD Policy DM2 which require development to respond to site conditions and not result in unacceptable adverse impacts on the amenity of neighbours, including visual privacy and overlooking. It would further conflict with DPD Policy DM10 which requires that separation distances between buildings and surrounding uses protect residents' privacy.

Other Considerations

12. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability and age. I am also mindful of Article 8(1) of the First Protocol of the Human Rights Act 1998 that provides the rights to respect a person's private and family life and home. However, these are qualified rights.
13. The proposed development would increase the amount of living space for the appellants' blended family, which includes individuals with emotional needs and disabilities. From the existing floor plans, I can see that the dwelling currently only has four bedrooms at first floor which I recognise is insufficient for the family, particularly because it is not possible for some to share rooms. As such, the proposed development would advance equality of opportunity for persons with a protected characteristic to remain residing at the property. Moreover, a decision to dismiss the appeal could interfere with the current occupants' rights to enjoy their possessions and in respect of their home.
14. I also recognise that the family has strong ties to the local community and schools, has established routines, commitments and support networks but this is not uncommon. I sympathise with the position the family finds itself in and appreciate that other options may have been considered other than to build into the roofspace, and that moving to a larger dwelling in the same area is not considered affordable. However, I have very little evidence before me that the size and scale of the proposed dormer is necessary, or that the existing dwelling could not be adapted to better meet the needs of the family in a manner that causes less harm to the character and appearance of the area and the living conditions at No 18. The appellant says they would be happy to make any reasonable adjustments to minimise or eliminate harm, but I must consider the proposal that is before me.
15. I have given these personal circumstances, and the need to support young, blended families, very careful consideration. Moreover, I have borne in mind that the current occupants of the property include children, and I have considered their best interests as a primary consideration. However, for the above reasons, I do not find these factors justify granting planning permission contrary to the provisions of the development plan. Interference to the human rights of the appellants and their family would be a proportionate response in light of protecting the public interest.

Conclusion

16. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR