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Delegated Date:	30/04/2021	Application Number:	2021/01877/PA
Accepted:	17/03/2021	Application Type:	Full Planning
Target Date:	12/05/2021		
Ward:	Moseley		

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65 Church Road, Moseley, Birmingham, B13 9EB

Erection of single storey side extension and second floor extension

Recommendation

**Refuse**

1. Proposal

1.1. This application seeks planning consent for the erection of a second floor (third storey) upwards extension erected over the existing two storey element and single storey side extension to enlarge existing 6 no. flats at 65 Church Road, Moseley.

1.2. The proposed second floor (third storey) upwards extension would be erected above the existing two storey element of the building. The proposed single storey side extension would measure 4m in width, 7.3m in length and 6m in height (3.8m to eaves). The extensions would be located at the south-west end of the building.

1.3. The proposed extensions would result in the creation of the following residential accommodation:

**Flat 1** – A one bedroom flat with kitchen, store, bathroom and the 1 no. shared bedroom/lounge on the ground floor.

**Flat 2** - A three bedroom flat with kitchen, two bathrooms and the 3 no. shared bedroom/lounge on the ground floor.

**Flat 3** – Presumably a one bedroom flat on the first floor but unfortunately the internal layout is not annotated on the submitted plans.

**Flat 4** – A one bedroom flat with kitchen, bathroom and the 1 no. bedroom/lounge on the first floor.

**Flat 5** – A one bedroom flat with kitchen, bathroom and the 1 no. bedroom/lounge on the first floor.

**Flat 6** – A two bedroom flat with kitchen, two bathrooms, store and lounge on the second floor.

1.4. There is no parking provision.

1.5. The proposed development does not attract a CIL contribution.

2. Site & Surroundings

2.1. The application site relates to a large two and a half storey Victorian villa with large canted bays, prominent gables, half-timber decoration, chimneys and double front doors. The property occupies a corner plot between Church Road and Coppice Road. It is double fronted, with windows addressing both streets. There is a front

garden on both frontages, with hedges, mature trees and shrubs behind the low stone walls. The house directly abuts the car park and amenity space for the adjacent terrace of flats at 2-4 Coppice Road.

2.2. The property contains 6 flats spread over all floors. There is no private amenity space.

2.3. The property is located on a sub-urban residential street. Houses on this street are mostly Victorian-Edwardian, following a regular building line, with parking low walls and hedges to the frontage. There are a range of typologies, scales and styles with many semi-detached, two and a half storey villas which have been extended, divided into flats and often have parking to the rear.

### 3. Planning History

3.1. 05/02/2021 – 2020/09812/PA – Erection of three storey side extensions and second floor extension to enlarge existing 6 no. flats and to create 1no. additional flat – Refused. To summarise, there were 6 no. reasons for refusal given covering matters of (1) harm to character of host property and wider street scene; (2) breaching the established building line; (3) harm to neighbouring residential amenity; (4) poor living environment for future occupiers of application building; (5) zero provision of private outdoor amenity space despite proposed intensification of site; and (6) insufficient evidence provided to demonstrate the proposed extensions impact on nearby trees.

### 4. Consultation/PP Responses

4.1. Site notice displayed, local ward councillors/MP and surrounding occupiers notified. 3 objections from 2 households received, which raise concerns regarding:

- Accuracy of proposed plan and discrepancies on application form
- No consideration for loss of trees, hedges and impact on wildlife and habitats
- Loss of light, outlook, overshadowing and reliance on artificial light
- Loss of privacy and overlooking
- Lack of parking provision, increased traffic, congestion and on-street parking demand, on-going parking disputes between existing residents parking arrangements, increased parking during construction, impact on pedestrian safety
- Impact on gated access to 2 Coppice Road, loss of boundary treatment and impact on security of parking cars
- Impact on well-being and financial implications for existing residents
- Impact on sewers
- Lack of information regarding waste disposal
- Increase in noise and disturbance from construction works and increased number of occupiers
- Loss of enjoyment of existing residents private amenity area

4.2. The Moseley Society – Objects to the application raising concerns over loss of light and overshadowing, impact on visual amenity, accuracy of application form and plans, lack of parking arrangements and impact on residential amenity of existing residents.

- 4.3. Regulatory Services – No objections.
- 4.4. Transportation Development – No objection subject to condition requiring secure cycle storage.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Places for All SPG
  - Car Parking Guidelines SPD
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) 2019
  - National Design Guide (2019)
- 5.3. Other material considerations:
- Development Management in Birmingham DPD Consultation Draft (2019) was submitted to MHCLG for examination on 17 July 2020
  - Technical Housing Standards (2015)

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies set out above.
- 6.2. The main considerations in the determination of this application are whether the principle of development is acceptable; the scale, sitting and design of the proposed development, the living conditions for future occupiers; the impact of the proposal on the amenity of neighbouring residents; impact on highway safety and parking and impact on trees and landscaping.

**Principle of Development:**

- 6.3. The National Planning Policy Framework (NPPF) 2019 seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.4. The application site is located in a highly sustainable area within close proximity to Moseley Neighbourhood Centre. Given the existing residential use of the property and the residential nature of the area, extending the property to enlarge the existing flats is supported in principle, subject to an assessment of site-specific material planning considerations.

**Scale, Sitting and Design:**

- 6.5. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local

distinctiveness, with design that responds to site conditions and the local area context.

- 6.6. The National Design Guide states that well-designed places are based on a sound understanding of the features of the site and surrounding context; integrate into their surroundings; and are positively influenced by their context (Paragraph 39). It states that well designed homes provide good quality internal and external environments for their users, promoting health and wellbeing; relate positively to the private, shared and public spaces around them
- 6.7. The proposed scheme involves a ground floor extension to the south west end of the house plus an upwards extension over the existing two storey element to the south-west end of the application property.
- 6.8. The proposals would significantly alter the appearance of the application building and substantially increase its massing and volume. However, the City Design Officer considers the resulting massing in itself would not be particularly out of keeping with the local context considering the massing and scale of some of the existing properties on Church Road and the existing three storey blocks of flats and Coppice Road. Officers concur with this view.
- 6.9. The application property is a very individualistic, asymmetrical detached house with a varied roof line and distinctive character. It includes terracotta brick banding and detailing, hood moulding, barge boards and decorative mullions which the City Design Officer considers to be some of the best examples of its period. The upwards extension on the existing two storey gable would be poorly treated, with the loss of most of the historic features, including all the timber framing at first floor and the details around the windows. These elements would not be reproduced in the proposed scheme. This would be a significant loss of the properties architectural fabric.
- 6.10. The proposed three storey gable would detract from the asymmetry of the existing house and the dimensions of the second floor window would appear incongruous. The transition from three to one storey would appear awkward and out of character in the local context. In addition, the window placement, proportions and design would not be in keeping with the existing house. The proposed works would therefore remove much of the character from the original house and dissociate it from its context.
- 6.11. Unfortunately the application submission is of poor quality with several inconsistencies noted between the plans. The elevations show a blank elevation facing No. 67 Church Road but there is some discrepancy in the drawings with the floor plans indicating windows. However, if windows were introduced on the elevation facing No. 67 Church Road then this would be unacceptable in this instance because the proposal would contravene separation distances in Places for Living SPG in terms of overlooking.
- 6.12. Furthermore, the proposed rear elevation shows no windows overlooking the amenity space for the flats at 2-4 Coppice Road. However this is not borne out by the floor plans which show windows facing onto the neighbouring space. A blank façade facing towards Coppice Road would be contrary to Places for Living SPG, which states that corners should be built positively to enhance legibility and visual surveillance of public space, and that blank gable ends and large areas of blank wall should be avoided.

- 6.13. For the above mentioned reasons, the City Design Officer has objected to the proposal considering that the proposed development would respond poorly to the local context. It would have harmful impact upon the original architectural appearance of the property and if approved would erode the building of all its historic identity. Officers concur with this view. The proposal would be contrary to be contrary to Policy PG3 of the BDP as it would not respond to the site conditions or context and also conflicts with Paragraph 124 of the NPPF which states that the creation of high quality design is fundamental to what the planning and development process should achieve.

#### **Living Conditions for Future Occupiers:**

- 6.14. Although not yet adopted by the Local Planning Authority, the Technical Housing Standards provide a useful guide for minimum floor areas of residential units. It sets out minimum gross internal floor areas for properties of different sizes and layout whilst requiring single bedrooms to be at least 7.5 sq. metres in size and double bedrooms to be at least 11.5 sq. metres in size.
- 6.15. No details of occupancy have been provided, which makes assessment on the standard of living conditions for future occupiers difficult. However, review of the existing and proposed floor plans show no alterations are proposed to the layout of flat numbers 1, 3, 4 and 5. The proposed extensions would facilitate enlargement of flat number 2 on the ground floor and flat number 6 on the second floor.
- 6.16. Paragraph 1.3 of the 'Proposals' section earlier in this report provided a breakdown of the layout for each of the flats. It shows that four of the flats would have one bedroom (Flat numbers 1, 3, 4 and 5); one of the flats would have two bedrooms (Flat number 6); and one flat would have 3 bedrooms (Flat number 2).
- 6.17. All bedrooms in every flat would exceed the expected size for a double bedroom so in this respect the proposals are policy compliant.
- 6.18. The Government's Technical Housing Standards require a minimum gross internal floor area of 50 sq. metres for a one bedroom, two person flat; 70 sq. metres for a two bedroom, four person flat; and 95 sq. metres for a three bedroom, six person flat. The gross internal floor area of each flat would be as follows:
- Flat 1 = 33 sq. metres (is a proposed one bedroom flat)
  - Flat 2 = 38 sq. metres (is a proposed three bedroom flat)
  - Flat 3 = 24 sq. metres (is a proposed one bedroom flat)
  - Flat 4 = 23 sq. metres (is a proposed one bedroom flat)
  - Flat 5 = 24 sq. metres (is a proposed one bedroom flat)
  - Flat 6 = 49 sq. metres (is a proposed two bedroom flat)
- 6.19. All flats would fail to comply with these expected total floor areas outlined in the Government's Technical Housing Standards. However, this is regrettably the case in the existing situation. In terms of overall space, the proposed extensions would improve the accommodation by creating additional floorspace for flat number 2 on the ground floor and flat number 6 on the second floor whilst no alterations are proposed to the layout of flat numbers 1, 3, 4 and 5. Therefore, given the existing situation has a shortfall in total floor area provision across all flats and the existing situation would not be worsened as a consequence of this development it cannot form a reason for refusal.

- 6.20. Officers have serious concerns over the layout of the flats. The proposed floor plans demonstrate that many of the kitchens within the flats would have no window (or if they do on the floor plan this is not reflected in the elevations plan). This is unsatisfactory in terms of light, outlook and ventilation. Such a layout would create a dark living environment for the future occupiers with reliance on artificial light which is unacceptable. The proposed floor plans show kitchen windows for some of the flats, however, these windows are not shown on the proposed elevations; this is very unclear. Officers are not convinced that this issue could be resolved by the insertion of windows into the rear elevation as the extension proposed to the south-west would give direct views into the private amenity space of the occupiers of 2 Coppice Road.
- 6.21. Additionally, officers are concerned that many of the flats contain rooms that are shown to have combined 'bedroom/lounges' or even rooms that are unspecified (in the case of Flat 3). This raises concerns about the coherence of the proposed flat layouts and the practicalities of living in each flat for future occupiers.
- 6.22. The proposal fails to provide a satisfactory living environment which is contrary to the Council's 'Places for Living' SPG which general principles seeks to provide good quality accommodation. The application should therefore be refused on this basis.
- 6.23. Places for Living SPG requires 30sqm of private amenity space per flat, as such an amenity area of 180 sq. metres would be expected. Under the present arrangements there is no private amenity space. Future occupants would have no-where to dry clothes or sit outside and restrictions allied to the recent pandemic have highlighted the importance of sufficiently sized private amenity space and the benefits this has on physical and mental well-being. As the proposal seeks to intensify the use of the site by enlarging the size of several flats and thus increasing the number of bedrooms, which in turn can increase the capacity/occupancy of the site; providing no private amenity space would result in unacceptable living environment for future occupiers and it is on this basis the proposal is recommended for refusal.

#### **Impact on Amenity of Neighbouring Residents:**

- 6.24. Places for Living SPG provide design guidance and set guidelines for residential development to ensure all new development does not adversely affect neighbouring amenity. Particular emphasis is given to assessing context and responding positively to local character.
- 6.25. The nearest existing residential accommodation is located to the east of the site consisting of 2-4 Coppice Road which is subdivided into eight flats. To the west of the site, there is large property 67 Church Road which is subdivided into two flats. Due to the detached nature of the property, it is not considered that the increased number of occupiers would result in significantly harmful increase in noise and disturbance to existing residents to warrant refusal on these grounds.
- 6.26. Presently there are no windows overlooking the small garden space to the rear of Nos. 2 – 4 Coppice Road. The extension to the south west would be built right along the neighbouring boundary. The proposed floor plans demonstrate that there would be windows inserted into the south west rear elevation and whilst these windows would light bathrooms and could be fitted with obscure glazing, Officers are concerned over the perception of overlooking and loss of privacy as these windows would most likely be openable. The public participation process has highlighted that existing residents at 2-4 Coppice Road use their amenity area and value its availability, expressing concerns over their loss of privacy.

- 6.27. No. 67 Church Road has a number of windows in the side elevation facing the application site. At the south west end the proposed extension would extend towards this windowed elevation with a separation distance of 10m. Places for Living SPG requires a 15.5m minimum distance between windowed elevations and opposing three storey flank wall. The proposal would fail to comply with this separation distance, detrimentally harming the existing levels of light and outlook to these affected windows.
- 6.28. Officers consider that the proposed development would have a harmful impact on the nearby existing residents amenity by way of loss of light, outlook and privacy and should therefore be refused on this basis.

**Impact on Highway Safety and Parking:**

- 6.29. The concerns of local residents regarding the lack of parking provision and increased traffic and congestion are noted. However, Transportation Development have raised no objection subject to a condition securing cycle storage for residents and comment that on-street parking is unrestricted along this section of Church Road and the site is within walking distance to public transport options and local facilities. They conclude that the proposal would not have a detrimental impact on the highway network to warrant refusal on these grounds, to which officers agree.
- 6.30. Local residents concerns regarding on-going parking disputes between existing residents parking arrangements would be a civil matter between residents.

**Impact on Trees and Landscaping:**

- 6.31. Existing vegetation, and in particular a large lime tree and a beech tree to the north east and another beech tree to the south west, are not shown on proposed plans nor has there been any information submitted to demonstrate the impacts on these existing trees. The City's Tree Officer has acknowledged the lack of information and would expect a site specific arboricultural method statement and a tree protection plan to support the application. These existing trees, especially the beech tree, are of public amenity value and as insufficient evidence has been submitted for the local planning authority to assess, the application is recommended for refusal on this point also.

**Other Matters:**

- 6.32. Concerns regarding potential damage to the existing gated access on Coppice Road, the loss of boundary treatment and the impact this would have on residents' car security and the associated financial implications are not material planning considerations.
- 6.33. Local residents have raised concerns over increased noise and disturbance during construction works and increased vehicle parking during construction. However, such matters are typical of construction works, are temporary in nature with statutory noise nuisance (if deemed to be at such a level) dealt with under separate legislation.

7. Conclusion

- 7.1. The proposed extensions would have a detrimental impact on the architectural appearance of the property and would be out of keeping with the existing character of the property and surrounding street scene.
- 7.2. The proposed development would adversely impact upon existing residential amenity by way of loss of privacy to No. 2-4 Coppice Road, and loss of light and outlook to No. 67 Church Road.
- 7.3. The internal layout as proposed would fail to provide adequate light and outlook resulting in a poor living environment for future occupiers.
- 7.4. The proposed development would provide no private amenity space for the increased number of occupants and would therefore fail to create an adequate living environment for future occupiers.
- 7.5. Insufficient evidence has been provided to demonstrate the proposed extensions impact on the nearby trees.

8. Recommendation

- 8.1. Refuse.

Reasons for Refusal

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- 1 The proposed extensions would have a detrimental impact on the architectural appearance of the property and would be out of keeping with the existing character of the property and surrounding street scene. This would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance and the National Planning Policy Framework.
  - 2 The proposed development would adversely impact upon existing residential amenity by way of loss of privacy to No. 2-4 Coppice Road, and loss of light and outlook to No. 67 Church Road. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
  - 3 The internal layout as proposed would fail to provide adequate light and outlook resulting in a poor living environment for future occupiers. This is contrary to Policy PG3 of the Birmingham Development Plan 2017 guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
  - 4 The proposed development would provide no private amenity space for the increased number of occupants and would therefore fail to create an adequate living environment for future occupiers. This is contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in 'Places for Living' adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
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- 5 Insufficient evidence has been submitted to enable the Local Planning Authority to fully assess the proposed works impact upon nearby trees. As such the proposal would be contrary to Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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Case Officer: Richard Bergmann