
Appeal Decision

Site visit made on 1 November 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2016

Appeal Ref: APP/P4605/W/16/3155017

Land to the rear of 84 Beaks Hill Road, Kings Norton, Birmingham, West Midlands B38 8BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Penrow Developments Ltd against the decision of Birmingham City Council.
 - The application Ref 2016/01963/PA, dated 7 March 2016, sought approval of details pursuant to conditions Nos 2, 3 and 5 of a planning permission Ref 2013/04530/PA, granted on 24 September 2013.
 - The application was refused by notice dated 27 April 2016.
 - The development is erection of 1 detached dwelling house.
 - The details for which approval is sought are: soft landscaping details, boundary treatment details and drainage details.
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Decision

1. The appeal is allowed and the soft landscaping details, boundary treatment details and drainage details submitted pursuant to conditions Nos 2, 3 and 5 attached to planning permission Ref 2013/04530/PA granted on 24 September 2013 in accordance with the application dated 7 March 2016 and the plans submitted with it are approved, with the exception of Plan No 13/004/08/A. For the avoidance of doubt and for the reasons set out below, the landscaping plan that is approved is 13/004/08 as submitted with this appeal.

Preliminary Matters

2. In its Discharge of Condition Decision Notice the Council have approved the part of the application which sought to discharge condition No 5 regarding drainage details. There is nothing in the evidence before me to suggest that I should take a different view to the Local Planning Authority and I do not therefore address this matter in the reasoning below.
 3. The appellant has indicated that works the subject of conditions Nos 2 and 3, namely hard and soft landscaping and boundary treatments have been completed without the conditions being formally discharged. I have therefore considered the appeal on this basis. All other conditions attached to the original planning permission have been discharged and the dwelling has been completed.
 4. The appellant has also requested that I consider an earlier version of the landscaping plan submitted during a previous application to discharge condition
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No 2, which was subsequently refused by the Council. This plan is largely the same as that submitted with the current application, but it excludes the holly hedge planted in front of the boundary wall. In accordance with the Wheatcroft Principle, I am satisfied there is no substantive difference between these landscaping plans and the earlier version which I am being asked to consider represents the 'as built' situation on site. The Council has no objection to the earlier plan being considered and I am satisfied that no party would be unduly prejudiced. For the avoidance of doubt, the landscaping plan that I have considered is 13/004/08 submitted as part of this appeal.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is located in a mature, residential suburb predominantly characterised by large detached houses of varying styles, designs and ages, set in fairly sizable plots. The site accommodates a new detached dwelling built within the rear garden of 84 Beaks Hill Road. The new dwelling fronts Rednal Road but is in close proximity to the crossroad junction with Beaks Hill Road and Grange Hill Road.
7. Rednal Road has a verdant character which is, to a large extent, established by the mature trees and hedgerows that are present along the highway and within the grass verges. A number of older properties along the road, particularly the handful of dwellings located immediately to the west of the appeal site, have mature landscaping along and within their frontages, which adds to the leafy character of the road. However, given the appeal site's proximity to Grange Hill Road and Beaks Hill Road, and considering that it was once part of the garden of No 84 together with the fact that the host dwelling takes design cues from the properties in Beaks Hill Road, it is also seen in the context of these neighbouring streets.
8. Whilst soft landscaping and boundary treatments are an important component of the leafy character of the area, there is a mix of boundary treatments in the vicinity. These include walls of different heights, some with pillars and planting / hedges above. In most cases the properties can be seen from the street behind a mix of hard and soft landscaping.
9. I acknowledge that the stretch of road on which the appeal site is located includes Nos 88 – 98 Rednal Road. These properties have similar boundary treatments of low brick walls and include very mature, often high landscaping within their front boundaries, some of which obscures views of the dwellings from the street. However, I am mindful that this level of screening and landscaping has taken a significant number of years to become established.
10. In contrast, the immediate east of the appeal site is notably sparser where the wooden boundary fence of the rear garden of 84 Beaks Hill Road runs along Rednal Road. This fence appears quite stark in the street scene as it is not softened by landscaping. The appeal dwelling is therefore also seen in this context.
11. Although the tennis club opposite also includes a green frontage, some other properties on the opposite side of Rednal Road and along Beaks Hill Road have

more open boundaries with fewer landscaping features. In addition, I have also seen examples of walls with railings above, as well front gates on some properties a short distance away along Beaks Hill Road and Grange Hill Road. Whilst some of these may have been constructed under permitted development rights, they nevertheless form part of the overall character of the area.

12. Much of the front boundary wall of the appeal dwelling is of medium height and is not significantly out of keeping with others in the surrounding area. Whilst the brick pillars, railings and gates add height to the front boundary, this height is consistent with that of the adjacent garden fence of 84 Beaks Hill Road and the design of the front boundary still allows views of the property from the street.
13. I acknowledge that the use of railings and gates are not particularly common on properties along Rednal Road, however, there are examples of these features on properties in the surrounding streets. The appellant has indicated that the gates are required for safety reasons, particularly given the shallow set back of the appeal dwelling from Rednal Road compared to the neighbouring properties. Rednal Road is busier than the surrounding streets and the use of gates does provide a safer environment for young children at the front of the property. Whilst the Council has suggested that the gate could be narrower and of a hinged design, I have seen that it corresponds to the width of the garage. Furthermore, a hinged design opening inwards would restrict vehicle manoeuvrability on site and would not allow for the full capacity of the driveway to be utilised. If the gates opened outwards, they would obstruct the public highway.
14. Moreover, the development is not devoid of soft landscaping and includes 2 landscaped areas; one at each end of the front boundary. Although this landscaping does not extend across the majority of the width of the frontage like the properties immediately to the west, there are other examples along Rednal Road and on the surrounding streets where landscaping forms only part of the front boundary. Once the landscaping is fully established, the appeal dwelling will also have perceptible vegetation along some of the boundary and within its frontage. This is generally consistent with the character of the area, as required by the Council's Mature Suburbs – Guidelines to Control Residential Intensification Supplementary Planning Document 2008 (SPD). When it has reached maturity the landscaping will soften the appearance of the front of the property and ensure it assimilates into the street scene.
15. I do not therefore consider that the wall, railings or gates detract from the visual character of the area, nor do these features undermine the strong sense of place that is apparent in this mature suburb. Compared to its immediate neighbours the dwelling is obviously a newer development in terms of its architectural style and design. I consider that the boundary treatments and landscaping complement the more modern appearance of the dwelling, which itself has already been considered acceptable in this mature suburb.
16. The host dwelling can be seen from the road and when the planting is fully established it will continue to be seen from the road, between a softer landscaped edge. In accordance with the Council's Places for Living Supplementary Planning Guidance 2001 (SPG) I consider that the boundary treatments and landscaping, particularly when it is fully established, will

provide a good transition between public and private areas and offer security and a defensible space.

17. Whilst the Council considers that the development would set a precedent for the approval of other similar forms of boundary treatment in the area, each application should be considered on its merits. In this case, given the location of the site, the mature trees and hedgerows in the public domain, the mix of landscape and boundary treatments in the area and the style and design of the host dwelling, I consider that the development does not have a harmful effect on the character and appearance of the area.
18. I therefore find no conflict with Policy 3.8 of the Birmingham Unitary Development Plan 2005¹ (UDP 2005) which outlines that the need to protect what is good in the City's environment, and to improve what is less good. The development does not have an adverse effect on the quality of the built environment and therefore accords with Policy 3.10 of the UDP 2005. There is conformity with Policy 3.14C-D which, amongst other things, requires development to have regard to guidelines in relevant SPDs/ SPGs and seeks to ensure that development has regard to the local character of an area, including boundary treatments.
19. In addition, I am mindful that the emerging Birmingham Development Plan 2031 (BDP 2031) has reached a very advanced stage of preparation. In light of the recent removal of the Holding Direction, the Council may now proceed to adopt the Plan. Therefore, in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I attach significant weight to the policies in this Plan.
20. I find no conflict with Policy TP26 of the BDP 2031 which seeks to ensure that new housing contributes to creating sustainable neighbourhoods, which, amongst other things, are characterised by a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood. The development also accords with Policy PG3 of the BDP 2031 which seeks to ensure that development demonstrates high design quality and responds to site conditions and the local area context, as well as ensuring that private external spaces and streets are attractive, functional, inclusive and able to be managed for the long term.

Conclusion

21. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Emma Tinsley-Evans

INSPECTOR

¹ The Birmingham Plan - Birmingham Unitary Development Plan 2005 (incorporating Alterations approved by the City Council for adoption on 11 October 2005)