



Appeal Decision

Site visit made on 4 July 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 12 July 2017

Appeal Ref: APP/P4605/W/17/3170779

25 Darwin Street, Highgate, Birmingham, West Midlands B12 0TY

- 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 Haroon Ali against the decision of Birmingham City Council.
 - The application Ref 2016/09663/PA, dated 16 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is a three storey building to form six self-contained one bedroom apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would provide satisfactory living conditions for its residents in respect of noise and disturbance and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

3. No 25 is currently in use as a local convenience store and the apartments would be built on the undeveloped land to its side. The property to the rear is a small building used by AE Aerospace which appears to have a manufacturing element. However the most prominent neighbouring business is the adjacent food processing unit, the service yard of which abuts the appeal site. At the time of my site the service yard was busy with delivery vehicles and small fork-lift trucks. Noise from the manoeuvring, loading and unloading of these vehicles, and from workers talking, was perceptible.
4. The submitted Noise Survey found that the background noise level at the site was around 50 dBA L_{Aeq} (8 hours) or 77 dBA L_{Amax} at night and 54 dBA L_{Aeq} (16 hours) during the day. BS8233:2014¹ is based on World Health Organisation guidelines which state that during the night noise should not exceed 45 dB L_{Aeq} (8 hour) outside bedrooms, which equates to 30dB L_{Aeq} (8 hour) or 45 dB L_{Amax} when measured inside bedrooms with a window open. The guidelines also say that during the day noise should not exceed 35dB L_{Aeq} (16 hour) when measured inside dwellings, which generally equates to 50dB L_{Aeq} (16 hour) when measured outside.

¹ Guidance on sound insulation and noise reduction for buildings

5. Noise at the site exceeds the recommended levels for dwellings and so to ensure noise within the development would be within the recommended limits, all the windows would need to be closed at all times. The Noise Survey acknowledges this and suggests that an alternative type of ventilation such as trickle ventilation would be necessary. A very brief specification of the suggested trickle ventilation is provided, however I am unclear if the ventilation system would be sufficient or suitable for residential purposes.
6. Notwithstanding this, I do not consider it would be acceptable for the occupiers of all the apartments to be unable to open any windows in their homes. I acknowledge that there are a number of residential flats on the other side of Darwin Street and Dymoke Street which most likely experience noise from the commercial units, but none are as close to them as the appeal site.
7. As such I consider that due to its noisy location, the proposal would fail to provide acceptable living conditions for its occupiers. Consequently the proposal would fail to accord with Policy GA1 of the Birmingham Development Plan (BDP) which seeks to provide high quality living environments in the city centre, and Policy PG3 of the BDP and the National Planning Policy Framework (the 'Framework') which both require development to respond to local context and character.

Character and appearance

8. The development would be functional in its appearance, but would generally reflect the height, scale and sense of symmetry which exists at the building at No 25. Furthermore the industrial buildings and the flats opposite, which both contribute to the site's context, are simplistic in their design. Accordingly, I consider the proposal would have no adverse effect on the character and appearance of the area.
9. In this respect therefore the proposal would accord with Policy PG3 of the BDP and saved paragraph 3.14D of the Birmingham Unitary Development Plan which both require development to respond to local context. It would also comply with the Council's Places for All and Places for Living Supplementary Planning Documents, and the Framework which seek the same.

Conclusions

10. Although the development would respect the character and appearance of the area, it would fail to provide satisfactory living conditions for its occupiers. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal is dismissed.

Andrew Owen

INSPECTOR