
Appeal Decision

Site visit made on 31 July 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 7 August 2017

Appeal Ref: APP/P4605/W/17/3173014

Four Oaks Methodist Church, 155 Lichfield Road, Sutton Four Oaks, Sutton Coldfield, B74 2UU

- 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 Four Oaks Methodist Church against the decision of Birmingham City Council.
 - The application Ref: 2016/06066/PA dated 18 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is construction of a new parking area to serve the church, with new access from Four Oaks Road requiring partial demolition of boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the church is a listed building, separate listed building consent is not required because the site is covered by an 'Ecclesiastical Exemption'.
3. In January 2017, after the decision was issued, the Council adopted the *Birmingham Plan 2031(BDP)*, which replaces the saved policies of the *Birmingham Unitary Development Plan 2005* referred to in the decision notice. I have therefore considered the appeal on this basis.
4. A Tree Preservation Order (TPO) covers six Yew trees to the south of the church, although these would not be affected by the proposed works. A Horse Chestnut street tree (not included within the TPO) grows in the footway to the north of the proposed access and would overhang a small part of the proposed car park. However, the tree survey submitted by the appellant¹ has demonstrated to the satisfaction of the Council that the small incursion into the tree's root protection area could be mitigated as part of the proposed works and the trees future health would not be unacceptably compromised. I too am satisfied that such mitigation measures would be acceptable.

Main Issues

5. Therefore, the main issues in this case are the effect of the proposed development on the setting of the Grade II listed building, and whether the proposal would preserve or enhance the character or appearance of the Four Oaks Conservation Area.

¹ Aboricultural Survey, Impact Assessment and Protection Plan: Barton Hyett Associates

Reasons

6. The appeal relates to a proposal to form a new car parking area on the western side of the church, with access from Four Oaks Road. The car park would have 4 spaces and would supplement the existing 11 space car park to the north-east of the church. The area is currently landscaped (mainly grass) and slopes downwards (west to east) towards the church. It is proposed to raise the levels to form the car park for practical reasons, and new steps would be installed to connect with the pathway around the church. A section of the existing boundary wall would be removed to facilitate the proposed access.
7. At the Statutory level, Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
8. As heritage assets are irreplaceable, any harm should require clear and convincing justification. BDP Policy TP12 is consistent with the statutory tests and says great weight should be given to the conservation of the city's heritage assets. It adds that new development proposals affecting a heritage asset or its setting will be determined in accordance with national policy.
9. Paragraph 132 of the *National Planning Policy Framework* (the Framework) sets out that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. The Government's *Planning Practice Guidance* (PPG) states that a thorough assessment of the impact on setting needs to take account of, and be proportionate to, the significance of the heritage asset under consideration, and the degree to which the proposed changes enhance or detract from that significance or the ability to appreciate it. Although views play an important part, the way in which an asset in its setting is experienced in its setting is also influenced by spatial association and by an understanding of the historic relationship between places.
10. Four Oaks Methodist Church is a Grade II listed building within the Four Oaks Conservation Area (CA). It was built in 1903-1910 in a Perpendicular Gothic style with strong Arts and Crafts influences which echo the design of many of the large dwellings of that period within the CA. It occupies a prominent location in the fork between two major roads and, with its prominent tower, is a notable landmark building in the area. Other buildings within the triangular site, and part of the group, are the Manse and Caretaker's Cottage. Opposite the church is the Four Oaks train station with large parking areas. A four-storey office block to the north of the site is set lower than highway level, and is surrounded by mature trees and shrubs.
11. Both the listing description and the Monuments Record recognise the significance of the church and its setting, drawing particular attention to its style, composition, form and decorative details. Furthermore, Historic England has stated that the church and associated cluster of related buildings are 'one of the best in British Methodism' making the church and church hall of national significance.

12. The existing green areas to either side of the church and the many trees in the area provide an attractive foil and verdant background to the impressive stone-built structure and are an important component of its setting. In this regard Historic England advised that the loss of the grass bank on the western side would have a negative visual impact.
13. The significance of the CA derives from its prevailing character of substantial detached dwellings of individual design in large landscaped gardens. Views towards the site from within the CA are limited because of the topography and the enclosed woodland setting. Thus, the pre-eminent view of the church, the south elevation, is from Lichfield Road and the roundabout junction.
14. From my inspection of the site and surroundings I consider that the intrinsic value of the church's green and leafy setting would be harmed by the proposed car park which would occupy much of the sloping bank on the west side of the church. Due to the limited space available the car park would also appear cramped and somewhat contrived, and at the closest point would be only 2.2m from the west elevation. Although not particularly prominent it would be clearly visible in views from the south (not least because of the raising of existing ground levels), and also in closer views from Four Oaks Road due to the removal of a section of the boundary wall.
15. As set out in the Historic England Guidance '*The Setting of Heritage Assets*' 2011, the design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new development is carefully designed to respect their setting. I find that the appeal proposal fails to meet these objectives.
16. Overall, I consider that the cumulative impact of the car park including the building up of ground levels, its proximity to the listed building, the loss of important and distinctive green areas, and the opening up of views of the car park from the new vehicular access, would fail to preserve the setting, and thus the significance, of the listed building. In turn, it would also fail to preserve or enhance the character and appearance of this part the CA. Nor do I consider that the proposal would make a positive contribution, or better reveal the significance of the listed building. Furthermore, the suggested shrub planting around the perimeter of the car park is limited I scape, and would do little to meaningfully mitigate the impact of the proposal. I also share the Council's doubts that such planting may not necessarily thrive within the proposed 'Geoweb' banking system.
17. Paragraphs 133 and 134 of the Framework differentiate between the approaches required where proposals would lead to substantial harm or total loss of significance to a designated heritage asset, or alternatively where it would lead to less than substantial harm. In this case, I find that the harm caused to the listed building and CA would be less than substantial, although this harm is nevertheless a matter to which I attribute substantial weight. In such situations paragraph 134 says any harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use.
18. I have no reason to doubt that parking is a concern within the locality, and the appellant says a strong justification for the proposal is that it would relieve some of the pressure for parking on surrounding streets generated by a

popular church with a large catchment area, and with meeting rooms used by many community groups and organisations.

19. Although some visitors will use public transport or make the short walk from local car parks, the appellant says many people, particularly the more elderly or infirm members of the congregation need to use private transport and ideally require level access to the front of the church. Due to the lack of off-street parking at the site, I accept that many vehicles need to park on Lichfield Road, Four Oaks Road and other surrounding streets, and this has some impact on vehicle and pedestrian safety.
20. However, although the additional parking would be public benefit, it would be a very modest one, particularly in the context of the potential maximum 176 space requirement for church and meeting rooms (based on the Council's current parking standards), and would make very little impact on existing pressures for on-street parking. The appellant says the proposal would secure the long-term viability and attractiveness of the church as a local community facility. However, I am not convinced that the viability of the church complex would be affected in any meaningful way by the provision of so few additional parking spaces. As a consequence, what public benefits there might be are limited, and are not sufficient to outweigh the harm they would cause.
21. Whilst the harm to the listed building would be less than substantial in Framework terms, it would nonetheless be significant, and any harm caused to a designated heritage asset is a matter that attracts considerable weight and importance. With that in mind, I conclude that the benefits involved do not come close to outweighing the harm that would be caused to the significance of the heritage assets.

Conclusion

22. To summarise, I consider the proposed development would cause less than substantial harm to the setting of this Grade II listed building and the character and appearance of this part of the Four Oaks Conservation Area. It has not been shown that public benefits would outweigh this harm, and so the proposal conflicts with National policy in the Framework and BDP Policy TP12.
23. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR