



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: 9 August 2017

Appeal Ref: APP/P4605/W/17/3173162

25 Mickleton Avenue, Birmingham, B33 0TX

- 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 K Biddle (Biddle Construction Services Ltd) against the decision of Birmingham City Council.
 - The application Ref: 2016/06969/PA dated 15 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is the erection of two additional one bedroom units within the existing site.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have dealt with another appeal at this address¹. However, that appeal relates to the refusal of an application for one dwelling house, and although the site is the same in both cases, the two appeals are not inter-linked, and concern different schemes and issues. Therefore, the appeals will be the subject of separate decisions.
3. In January 2017 the Council adopted the *Birmingham Plan (BDP)* and this comprises part of the development plan. It replaces the saved policies of the *Birmingham Unitary Development Plan 2005 (UDP)*, with the exception of those in Chapter 8 and Policies 3.14 -3.14D which continue to be saved. I have considered the appeal on this basis

Main Issue

4. The potential for overlooking, loss of privacy and overshadowing has been raised by the occupier of No 1 Hidcote Grove. However, the Council has raised no overriding objections to the effect of the proposal on the living conditions of neighbouring residents, and based on my site visit and interpretation of relevant policy and guidance I find no reason to disagree with the Council's assessment. I also note that the Transportation Department has no overriding highway objections subject to conditions.
5. I therefore consider the one main issue in this case is the effect of the proposed development on the character and appearance of the street scene and surrounding area.

¹ APP/P4605/W/17/3174973

Reasons

6. The appeal site is located within the predominantly residential area of Garratts Green and comprises part of the garden of No 25 Mickleton Avenue, a corner plot at the junction of Mickleton Avenue and Hidcote Grove where the existing dwelling is well set back from both road frontages. The proposed one-bedroom flats would effectively extend the existing terrace of dwellings fronting Mickleton Avenue at the same height, and follow the same regular building line. However the proposed building would protrude well forward of the similarly regular building line of the dwellings fronting Hidcote Grove.
7. Saved Paragraph 3.14D of the UDP states that particular regard will be given to the impact of a proposed development on the local character of an area, including topography, street patterns, building lines, open spaces and landscape, scale and massing, and neighbouring uses. BDP Policy TP27 encourages a strong sense of place with high design quality so that people can identify and feel pride in their neighbourhood. BDP Policy PG3 has similar aims, and states that new development will be expected to demonstrate high design quality which contributes to a strong sense of place and distinctiveness.
8. I have also been referred to the Council's *Mature Suburbs Supplementary Planning Document* (SPD). It has adopted by the Council, is referred to as being a material consideration in the UDP, and therefore attracts weight. It contains detailed guidance on determining character, the assessment of proposals, and design criteria. Section 4.12 says building plots should reflect the urban grain and what is typical in the area, and that the frontage width, height and massing should be in keeping with those in the area. It adds that established building lines should be respected, and that separation distances between buildings should generally respect those which characterise the area. The SPD also says corner plots are regularly given more space at the side to retain a degree of openness at the junction.
9. By reason of its projection forward of the building line established by the terrace on Hidcote Grove and loss of green space, the Council is concerned that the proposed building would fail to respect the spacious layout around the junction, the spatial separation of the dwelling at the other end of the terrace, and would be at odds with the general pattern of development for corner plots in the surrounding area.
10. In order to accommodate stair access to the upper flat the proposed building would have a wider front elevation than that of the single dwelling proposed in the corresponding appeal². The side elevation would extend to within about 2.3m of the side boundary (facing Hidcote Grove), compared with the much wider gap of about 4.2m in the single dwelling scheme. As a consequence this would make the building appear relatively obtrusive in the street scene.
11. The proposed dwelling would project about 5.3m forward of the front elevation of No 1 (and the neighbouring houses beyond); and this is significantly greater than the 3.6m forward projection in the case of the single dwelling proposal. The appellant makes reference to the existing garage at No 1 which projects forward and reduces the apparent breach to the building line. However, this garage is a modest secondary structure which is not particularly noticeable in

² APP/P4605/W/17/3174973

the street scene, and does not read visually part of the strong building line formed by the front elevations of the dwellings themselves.

12. Taken together, the additional scale and bulk of the proposed building and the marked variance from the Hidcote Grove building line would result in a significant reduction of the green space at the junction and an erosion of its open, spacious character and appearance. In my view these factors represent a material difference in overall impact compared with the single dwelling proposal. Therefore, on balance, I conclude on this issue that the proposed development would materially harm the character and appearance of the street scene and surrounding area. As such, it would conflict with saved UDP Policy 3.14D, BDP Policies TP27 and PG3, and the SPD.
13. Paragraph 53 of the *National Planning Policy Framework* (the Framework) says local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens; for example where development would cause harm to the local area, and Paragraph 58 says planning policies and decisions should respond to local character and reflect the identity of local surroundings. Although I have reached a different conclusion in the corresponding appeal for this site, I find that this proposed development would fail to meet those objectives.

Other Matters

14. My attention has also been drawn to three recent planning approvals relating to terrace extensions on corner plots along Honeybourne Road within the same residential estate. In the case of No 1 (two small flats) and No 12 (a single dwelling) the Council says different circumstances prevailed, as the approved buildings did not breach any established building line and the plot sizes were larger than the appeal site. Although the Council accepts that a building line was breached at No 11 (where two small flats were also approved), it says this was only by a very modest amount; adding that the design of the building served to further reduce the impact. Whilst I accept that there are some similarities, the projection forward of the building line is significantly greater in the scheme before me, and as such I cannot accept that a precedent has been established. In any event, each application and appeal must be considered on its own merits.

Planning Balance and Conclusion

15. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. It is therefore necessary to determine whether the proposal is sustainable in the context of the wider Framework. Paragraph 7 identifies a three-stranded definition of sustainable development based on economic, social and environmental factors.
16. The provision of two new small dwelling units would represent a modest social benefit by increasing the mix of housing and making a small contribution to the housing supply. In addition there would be some support for local services and facilities, thus amounting to an economic benefit.
17. However, I have concluded that the proposal would have a significantly harmful effect on the character and appearance of the area and as such would conflict with the environmental dimension of sustainable development.

18. For these reasons I conclude that the proposal would not be consistent with the principles of sustainable development as it conflicts with the policies of the development plan and the Framework when taken as a whole. Therefore the presumption in favour of such development does not apply.
19. For reasons given above and taking all matters into account, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR