



Appeal Decisions

Site visit made on 25 September 2019

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal A Ref: APP/P4605/W/19/3226473

Land to south of 69 Laurel Road, Handsworth, Birmingham B21 9PQ

- 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 Neville Lambert against the decision of Birmingham City Council.
 - The application Ref 2018/06725/PA, dated 13 August 2018, was refused by notice dated 12 October 2018.
 - The development proposed is erection of a single self-build dwelling with vehicular access.
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Appeal B Ref: APP/P4605/W/19/3226825

Land south of 69 Laurel Road, Handsworth, Birmingham B21 9PQ

- 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 Neville Lambert against the decision of Birmingham City Council.
 - The application Ref 2019/01393/PA, dated 18 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is erection of a single self-build dwelling with vehicular access.
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Decisions

Appeal A Ref: APP/P4605/W/19/3226473

1. The appeal is dismissed.

Appeal B Ref: APP/ P4605/W/19/3226825

2. The appeal is dismissed.

Main Issues

3. I consider that the main issue for both appeals is the effect of the proposed dwelling on the character and appearance of the area. For Appeal A the effect on the living conditions of the occupiers of Nos 92 and 94 Antrobus Road is also a main issue.

Reasons

Character & Appearance

4. The appeal site comprises an area of unused land at the southern end of Laurel Road. It extends across the bottom of the rear gardens of properties on Antrobus Road. These have long gardens and the appeal site is to the north. Where most of the dwellings end on Laurel Road, the road turns at right angles where the appeal site is located on the southern side and along which there are various buildings and structures. There are also some residential properties on the northern side of this part of Laurel Road.
5. The character of the area is quite mixed but Laurel Road, from the section of Laurel Road running north-south is of fairly traditional houses. The spur at the southern end is quite different in character with its indeterminate collection of buildings, structures and fences, except for the residential properties which relate more to the other residential properties to the north of the appeal site.
6. The proposal is for a modern purpose-built residential property providing accommodation to meet the appellant's needs and that of his family. It would be of a very different design to the more traditional houses in the area. It would provide accessible living space on the ground floor with two bedrooms and a further five bedrooms at first floor level. The first floor would extend over only part of the dwelling with part of it being single storey.
7. Policy PG3 of the Birmingham Plan¹ established that all new development is expected to demonstrate high quality design that contributes to a strong sense of place. A set of criteria are listed to achieve this. Birmingham Plan Policy TP27 indicates that new housing is expected to contribute to making sustainable places. It establishes that at the heart of the City's growth agenda is the concept of sustainable neighbourhoods. It seeks to ensure that future housing is delivered in the most sustainable way contributing to creating a sense of place and high standards of design, amongst other things. The Planning Policy Framework² establishes the importance of good design and sustainability. Saved UDP³ Paragraph 3.14C indicates that development should have regard to the Council's development guidelines, including Places for Living SPG⁴.
8. Whilst a house of a different and modern style would not be inappropriate in the area, the house would sit in a very wide plot across the bottom of the main section of Laurel Road and proportionally would be narrow in depth. It is a prominent location and I am not convinced that this design of house on this plot of land reflects the established residential character of the area. I consider that its prominence and design, including the plots characteristics itself, would not make a positive contribution to the character and appearance of the area. I am mindful that the plot of land as it stands with its timber fencing does not

¹ Birmingham Plan 2031 Birmingham Development Plan Part of Birmingham's Local Plan Planning for sustainable growth, Adopted January 2017.

² Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018.

³ The Birmingham Plan Birmingham Unitary Development Plan 2005 – The Birmingham Plan Adopted by Birmingham City Council 6 July 1993 Incorporating Alterations approved by Birmingham City Council for adoption, 11 October 2005.

⁴ Places for Living, Adopted by Birmingham City Council Regeneration Advisory Team as Supplementary Planning Guidance March 2001.

present an attractive focal point at the end of the road but I am not convinced that the proposal would make an acceptable contribution to the area.

9. I do not doubt the sustainability of the proposal in terms of its location and re-use of a vacant piece of land but in terms of the creation of a sense of sustainable place, as indicated by the Council's policies referred to above, I consider that the proposal would have a harmful effect on the character and appearance of the area and conflict with the Council's policies.
10. The Council have also expressed concern that the proposal would set a precedent for the proliferation of applications for similar development which would prejudice the future comprehensive development of the wider area that the site forms a part of. However, whilst there are an odd collection of buildings and structures on the southern side of Laurel Road, some of these at least are part of the rear gardens of houses on Antrobus Road. The Council has not referred to any particular plan to comprehensively develop all or part of this area nor is there any indication as to how feasible this would be particularly if separate parcels of land are in different ownership. The supposition by the Council does not therefore carry much weight and no justification has been put forward to indicate a comprehensive future development. This matter does not therefore weigh against the proposal.

Living Conditions

11. The main difference between the proposal at Appeal A and that at Appeal B is the proximity and design of a first floor bedroom window on the rear elevation overlooking the gardens of the houses at Antrobus Road, in particular Nos 92 and 94. Appeal B amends the window to a high level one in order to lessen the impact on the living conditions of the occupiers of the neighbouring houses.
12. The rear elevation of the proposed house would be fairly close to the boundaries with Nos 92 and 94 Antrobus Road. The SPG introduces a guideline for the minimum distance between main windows and private amenity space. The first-floor window proposed in Appeal A would be in breach of this and therefore very likely cause overlooking of their rear garden areas. The high-level window in Appeal B would overcome this. The neighbouring houses would be some distance away from their northern boundary and so I do not consider that overlooking of the houses would occur.
13. Due to the relative proximity to the boundary I consider that Appeal A could have an adverse impact on the living conditions of the occupiers of the neighbouring houses in breach of UDP Paragraph 3.4C and the SPG but this would be overcome by the revision in Appeal B.

Conclusion

14. Notwithstanding that I consider that there is a justifiable reason to reject development of the site due to this proposal setting a prejudicial precedent, I consider that the character and appearance of the area would be harmed by the proposals in Appeal A and Appeal B. I consider that Appeal B overcomes the harm that would arise to the living conditions of the occupiers of Nos 92 and 94 Antrobus Road.
15. I am mindful that the Council's City Design Team support the design of the proposed dwelling and I appreciate the family circumstances that the proposals aim to address. I don't doubt the difficulty that the family may have

experienced in finding suitable accommodation. I have considered all other matter raised but none alters my conclusion.

16. I conclude that Appeal A would have a harmful effect on the living conditions of the occupiers of No 92 and 94 Antrobus Road. Both appeals would have a harmful effect on the character and appearance of the area, contrary to the Council's policies, referred to above, and therefore both appeals fail.

J D Clark

INSPECTOR