



Appeal Decision

Site visit made on 9 October 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Appeal Ref: APP/P4605/W/19/3234118

114-118 Plants Brook Road, Sutton Coldfield B76 1HH

- 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 MADE Architecture Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/02891/PA, dated 28 March 2019, was refused by notice dated 9 July 2019.
 - The development proposed is the demolition of side extension and garage, creation of new access and erection of 5 no. detached dwellings
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the development which appears on the Council's decision notice and on the appellant's appeal form in the banner header above, as it more accurately describes the proposal than that stated on the planning application form.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the future occupiers of the proposed dwellings and of the occupiers of the adjacent dwellings on Plants Brook Road.

Reasons

Character and appearance

4. The appeal site and its surrounding area are characterised by bungalow properties which have their own individual frontages and access points onto Plants Brook Road. The dwellings are generally located on large plots and have substantial mature rear garden areas. These factors give the area a pleasant and spacious suburban feel and are an important component of its character and appearance.
5. Both the Council and appellant agree that there are no policies in the development plan that prevent backland development per se. However, in this location, backland development is not characteristic of the surrounding area. Furthermore, the development proposed would be intensive in its layout, resulting in a density of development that would not be in keeping with the surrounding area. This would mean that the proposal would appear cramped

and incongruous in the context of the surrounding pattern of development. By reason of its backland location and its cramped nature, the proposed development would cause significant harm to the character and appearance of the area.

6. The appellant considers that there would be a limited visual impact on Plants Brook Road due to the height of the development and the ground level of the site. Whilst I do not disagree that the visual impact upon Plants Brook Road would be limited for these reasons, the proposed development would be clearly visible from the dwellings which adjoin the site. Furthermore, I have identified that both the backland location of the proposal and its cramped layout would cause significant harm to the character and appearance of the area and the absence of visual harm from Plants Brook Road does not outweigh this harm.
7. The appellant also considers that the gardens which form the appeal site differ from those on Plants Brook Road in terms of their size, as the site is positioned on a corner. The gardens are however not substantially larger than other gardens on this side of Plants Brook Road, and not to any extent where they are materially different in terms of their contribution to the character and appearance of the area. In addition, the appellant has drawn attention to the garden sizes of dwellings on adjacent roads, but these are not read in the direct context of the site and do not form part of the immediate character and appearance of the appeal site. Therefore, neither of these considerations justify a development that would cause the significant harm that I have identified.
8. I conclude that the proposed development would cause significant harm to the character and appearance of the area by reason of its backland location and its cramped nature. Consequently, the proposal conflicts with the objectives of Policies PG3, TP27 and TP30 of the Birmingham Development Plan 2017 (BDP), Saved Paragraph 3.14 of the Birmingham Unitary Development Plan 2005 (BUDP), the Places For Living Supplementary Planning Guidance 2001 (SPG) and the Mature Suburbs Supplementary Planning Document 2008 (SPD), all of which seek to protect the character and appearance of the area.

Living conditions

9. The ground level of the appeal site is substantially lower than that of the existing dwellings on Plants Brook Road. This would mean that the impact of the proposed development on these properties would be lessened. Furthermore, the proposed dwellings are designed so to have rooms in their roof spaces, which means that the views taken from the dwellings on Plants Brook Road would predominately be of a gable roof, not a two storey wall.
10. There is disagreement between the parties as to whether the separation distance between the side of the proposed dwellings and the rear of existing adjacent dwellings, as outlined in the Places for Living Supplementary Planning Guidance 2001 (SPG), would be met. However, due to the ground levels and the design of the proposed dwellings, I am satisfied that they would not cause harm to the living conditions of the occupiers of the existing dwellings on Plants Brook Road by reason of their scale and positioning.
11. The Council has also raised concern with respect to the proximity of the front elevations of the proposed dwellings to one another, and they consider that the distance also would not meet with that set out in the SPG. Whilst the appellant does not contend that the distance stated in the SPG would be met in all

instances, the degree of separation proposed between the front elevations would be adequate to ensure that there would be no harm to the living conditions of the future occupiers of the proposed dwellings.

12. Furthermore, the wording of the SPG is clear that it is the objectives behind the standards that is important rather than the standards themselves and that the separation distances between facing dwellings will be applied more strictly to the rear of dwellings rather than the front. As I have found that harm to living conditions would not arise as a result of the positioning of the front elevations, the proposed development would meet with the objectives of the SPG.
13. I conclude therefore that the proposed development would not cause harm to the living conditions of the future occupiers of the proposed dwellings or of the occupiers of the adjacent dwellings on Plants Brook Road and that there would be no conflict with the objectives of the SPG. Neither Policy PG3 or Policy TP27 of the BDP make specific reference to living conditions and I have therefore not assessed living conditions against these policies. I also note that the Council has referred to Paragraph 3.14C of the BUDP but this in turn refers to the SPG, which I have already considered

Other Matters

14. The appellant has drawn attention to a number of other developments and planning permissions, including development which has been allowed on appeal. I have considered these based upon the information provided but, with the exception of a single bungalow on Plants Brook Road whose positioning is anomalous in the context of the area, they are not in the immediate locality of the appeal site. Therefore, the other schemes referred to have not impacted upon the character and appearance of the area surrounding the site in a way that would add any substantial support to the appeal proposal. Furthermore, each case must be considered primarily on its own merits and the existence of the other developments identified does not outweigh the harm that would arise as a result of the appeal development.
15. The proposed development would provide five new dwellings on a sustainably located site. However, it would make only a limited contribution to boosting the overall supply of housing. The economic, social and environmental benefits outlined by the appellant would also be limited due to the small scale of the proposal. Taken together, the economic, social and environmental considerations presented by the appellant along with the provision of new housing offer only limited weight in support of the proposed development. These considerations do not however outweigh the significant harm that I have identified and the conflict with the development plan policies relating to character and appearance.

Conclusion

16. Although I find no harm to living conditions, I do find significant harm to the character and appearance of the area and subsequent conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR