



Appeal Decision

Site visit made on 11 November 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/P4605/W/19/3236239

389a Coventry Road, Nechells, Birmingham B10 0SP

- 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 Mohammed Naseem against the decision of Birmingham City Council.
 - The application Ref 2019/01510/PA, dated 8 October 2018, was refused by notice dated 19 June 2019.
 - The development proposed is retention of existing food sales kiosk on shop forecourt.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal proposal seeks the retention of an existing sales kiosk on the forecourt to the front of 389a Coventry Road. It measures approximately 2m x 2.5m, and is approximately 2m high, mounted on legs. The locality is predominately commercial in nature. From the evidence in front of me, it is apparent that kiosk is for the sale of food items for take away.
4. Policy PG3 of the Birmingham Development Plan (2017) (the DP) deals with place making, and amongst other matters, expects development to demonstrate high design quality and create a positive sense of place and local distinctiveness, responding to site conditions and local area context. This approach is reinforced by Policy 3.14C & D of the Birmingham Unitary Development Plan (2005) (the UDP), as well as the guidance set out in the National Planning Policy Framework (the Framework).
5. The kiosk is utilitarian in design and does not integrate well within the street scene. There is no opportunity for mitigation of the impact, rendering the structure somewhat strident, and as a result causes harm to the character and appearance of the area. It sits to the front of a row of commercial premises, many of which have a forecourt, which gives a considered layout to the street scene. The presence of the kiosk impacts upon the character and appearance of the area and I consider it to be street clutter within the commercial nature of the locality.

6. As a result, I find that the proposals are contrary to Policy PG3 of the DP and Policy 3.14C & D of the UDP, in that the development does not demonstrate high quality design or create a positive sense of place and local distinctiveness, nor does it respond to site conditions or the area context. In addition, the proposals are contrary to the amenity and design aims of the Framework.

Other Matters

7. I have noted the comments of the appellant in relation to the presence of other similar kiosks nearby. I do not have any details of these kiosks, or whether planning consent has been sought. I have dealt with this appeal on its own merits and have identified the harm caused by the proposals. Therefore, I can only assign limited weight to the arguments of the appellant.

Conclusion

8. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR