
Appeal Decision

Site visit made on 12 November 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2019

Appeal Ref: APP/P4605/W/19/3236181

127 Clarence Road, Sutton Four Oaks, Sutton Coldfield B74 4AU

- 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 Simon Neachell against the decision of Birmingham City Council.
 - The application Ref 2019/00034/PA, dated 3 January 2019, was refused by notice dated 1 March 2019.
 - The development proposed is erection of dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of future occupiers with specific regard to private amenity space.

Reasons

Character and Appearance

3. The appeal site is located on land to the rear of no. 127 Clarence Road from which it is separated by a closed boarded timber fence approximately 1.8 metres in height. To the south west the adjacent property (no. 104 Four Oaks Common Road) is a two storey detached dwelling with a front driveway with the shared boundary comprising similar fencing. The majority of dwellings on the southern side of Four Oaks Common Road have large rear gardens with nos. 60 to 98 comprising a two storey terrace. A sheltered housing scheme is located to the south west of this terrace on the junction with Heathfield Road.
4. The dwellings on the northern side of Four Oaks Common Road generally consist of larger detached and semi-detached dwellings with deep plots. The surrounding area is predominately residential consisting of properties with similar architectural design styles with many of them also having sizeable rear gardens. The size of the plots and large rear gardens together form part of an orderly and regular pattern of development which contributes to a mature landscaped suburban setting.

5. I acknowledge that the proposed two storey detached dwelling would be of an architectural design style similar to that of the existing dwellings in the area. However, the proposed dwelling would be on a plot of a significantly smaller size than the others on the street with the garden also being located to the side of the building rather than the rear. With regard to these facts the proposed dwelling would represent a cramped form of development that would not assimilate into the existing layout of dwellings within larger plots which mainly characterises the area. As a result, it would also represent a discordant addition to the street scene and damage the positive characteristics of the mature landscaped suburb of which the appeal site is part.
6. I note the point made by the appellant that the length of the rear gardens is not discernible from the street and as a result does not assist in the understanding of the character of the area. However, when considered as a whole the length of the rear gardens (as well as the size of the plots within which the dwellings sit) form the established pattern of development thereby contributing to the overall character of the area. Given the size of the appeal site and that of the dwelling proposed, the appeal scheme would be at odds with this character.
7. I also note the appellant's point in relation to the corner plot of no. 129 Clarence Road having a shallower garden than the surrounding properties and that the proposed development would be in keeping with this. However, whilst the rear garden may well be slightly shorter than others in the area, the appeal scheme has a much smaller plot and as a result of this a side garden rather than a rear one. In any event no. 129 is not directly comparable to the appeal scheme as it has a much larger plot including a sizeable front garden.
8. In support of the appeal scheme the appellant has also argued that the proposed development would form a visual break in the street scene meaning that the dwelling would sit comfortably within its square and useable plot. However, given the established pattern of development in the area as well as the existing character and built-form on the street, I fail to see how a 'visual break' would be either desirable or appropriate in this location. The appellant also states that the scheme would respond well to the established building line along the street although I do not see how this would be compatible with it also forming a 'visual break'. In any event, it is the relationship between the proposed dwelling and its plot that is not in keeping with the character of the area despite the fact that its frontage would maintain the existing building line along the street.
9. The appellant has also cited the fact that a cul-de-sac residential development has recently been completed in the local area and that this now forms a part of its character. However, whilst this type of development forms a part of the local area's character, this does not mean that it now represents the prevailing type of development in the area or indeed fundamentally alters the area's existing pattern of development.
10. I therefore conclude that the proposed development would harm the character and appearance of the area in conflict with Policies PG3 and TP27 of the Birmingham Development Plan (BDP) (adopted January 2017) which seek to reinforce local distinctiveness, ensure new development is of a high design standard and respects local context amongst other considerations. It would also conflict with saved paragraph 3.14D of the Birmingham Unitary

Development Plan (UDP) (adopted October 2005) which promotes good urban design; the Places for Living Supplementary Planning Guidance (SPG) (adopted March 2001); and the Mature Suburbs Supplementary Planning Document (SPD) (adopted February 2008). Additionally, it would conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which promotes good design.

Living Conditions

11. Given the size of the appeal site a garden would be provided to the side of the proposed dwelling as it would not be possible to provide one to the rear. I note that both the appellant and the Council have provided differing measurements in relation to the size of the proposed side garden. I also note that the minimum garden size standards set out in Appendix A to the SPG largely refer to private amenity space to the rear of dwellings (particularly for traditional family houses) and that where this cannot be provided other forms of useable space could be provided if justified by strong design reasons¹.
12. In support of the appeal scheme the appellant has submitted an annotated site plan showing that the proposed side garden would be of a sufficient size to allow the use of a rotary drier; patio garden set (including table and benches); and a child's trampoline which indicates that it would be a useable space. However, based on the evidence before me I am not satisfied that the appellant has provided strong enough design reasons to justify the proposed side garden other than stating that the site is a constrained one in terms of its size. I therefore conclude on this main issue that the proposed development would conflict with Policies PG3 and TP27 of the BDP; saved paragraph 3.14C of the UDP; and the SPG which seek to ensure that new residential development is of a high design standard.

Other Matters

13. I note the points made by the appellant in that the proposed development would be in a sustainable location and make an efficient use of previously developed land to provide housing in accordance with paragraphs 59, 117, 118 and 122 of the Framework. However, the Council have not raised any concerns in relation to the principle of residential development in this area, so I have not pursued this further.

Conclusion

14. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

¹ See page 34 of SPG.