
Appeal Decision

Site visit made on 3 December 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/P4605/W/19/3237049

Land at 10 Beaton Road, Sutton Coldfield B74 4RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Ms Lauren Bloom (Gentry Homes) against Birmingham City Council.
 - The application Ref 2019/03662/PA, is dated 22 April 2019.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council have submitted a statement which sets out the reasons why the Council would have refused planning permission had it been empowered to do so. I have also received appeal statements from the appellant. Furthermore, I have taken into account the representations received from interested parties. I have drawn on this, together with other evidence before me, to inform the main issue in this appeal.
3. The application was submitted in outline form with all matters reserved for future consideration, apart from access. The appellant submitted plans with the application which show the potential layout of the proposal. However, given the nature of the outline proposal, I have treated any of the details which relate to the reserved matters as being indicative only.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises an elongated parcel of grass land and vegetation located to the side and partially to the rear of 10 Beaton Road. The Council's Mature Suburbs – guidelines to control residential intensification Supplementary Planning Document 2008 (SPD) is particularly relevant to this appeal. This document acknowledges the importance of the built form, in

particular the need for developments to respect the typical form of plots in the area including the plot sizes, form and massing, and the building siting. This document states that proposals that undermine and harm the positive characteristics of a mature suburb should be resisted.

6. The appeal site lies on a suburban street comprising mainly bungalows and two storey dwellings. There is no dispute between the main parties that it lies within a mature suburb for the purposes of the SPD. However, despite the variety of house types, plot sizes and front boundary treatments visible in the street, dwellings have a homogenous architectural style, fenestration pattern and palate of materials. Furthermore, dwellings are consistently set-back from the road, resulting in a generally uniform building line.
7. Accepting the outline nature of the proposal, whatever the final form of the development, due to the narrowness of the appeal plot and its position close to the street, it is clear that the proposed dwelling would be in a more advanced position relative to the road than nearby dwellings. The location of the site, close to an acute bend in the road, means that it lies in an exposed position, which would heighten the presence of the proposed dwelling in the street. Whilst I accept that the proposal would not significantly reduce the openness of the appeal site due to the presence of an existing tall hedge, the removal of this more organic and verdant feature of the street, to be replaced with built form, would further harm the character and appearance of the area.
8. The appeal site slopes down from no.10 and is not as elevated as the position of other dwellings on the same side of Beaton Road. I would also be able to control the scale of the dwelling by imposing a planning condition, which would further reduce the prominence of the built form. Be that as it may, regardless of its scale or position within the appeal site, the proposed dwelling would be prominent in the street and would appear anomalous and out of kilter with the prevailing layout and pattern of development, to the detriment of the street scene.
9. I have been provided with a copy of an appeal decision which was allowed, relating to a house extension on a different street¹. However, this involved a different form of development and thus does not correlate in any meaningful way with the proposal. Furthermore, the appellant has provided me with a 'survey' which shows the location of numerous dwellings on other streets, located close to corners or bends in the road, which is intended to show that open spaces are not prevailing characteristics of such areas. However, I find that Beaton Road is characterised by buildings which have an ordered building line, which would be disrupted by the prominent position of the proposed dwelling relative to the street and existing properties. Furthermore, I do not know the circumstances on which many of the dwellings I have been referred to were allowed. Therefore, none of the cases I have been presented with suggest that I should take a different view on this appeal.
10. Accordingly, I conclude that the development would harm the character and appearance of the area contrary to the aims set out in Policy PG3 of the Birmingham Development Plan 2031 (adopted 2017) (Local Plan), paragraphs 3.14 A-D of the Birmingham Unitary Development Plan 2005 (UDP), the SPD, and the Birmingham City Places for Living Supplementary Planning Guidance 2001 (the SPG) which require, amongst other matters, that new developments

¹ Appeal reference – APP/P4605/D/18/3206338

consider local context and retain the character and appearance of streets ensuring that the positive characteristics of mature suburbs are not harmed. The development would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which, like the aforementioned policies and guidance, seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment.

Other Matters

11. In line with paragraph 59 of the Framework, the proposal would make a small contribution to the local housing stock, thus boosting supply and contributing to the Council's Strategic Housing Market Assessment and housing targets set out in the Local Plan. It would also contribute to the local economy including the provision of construction jobs, provide a social benefit by supporting the vibrancy of the local community, and provide environmental benefits through the provision of landscaping. The dwelling would also be located in an existing urban area close to facilities, services, and sustainable transport links. However, in connection with a single-dwelling, these benefits would be limited such that they do not outweigh the harm I have identified to the character and appearance of the area.
12. Despite several objectors raising concerns that the development would adversely affect highway safety, the Council raises no objection to this aspect. Having considered the proposed access as part of this outline proposal, I saw nothing on my site visit, nor is there anything of veracity in the evidence before me, to suggest that the development would unacceptably compromise highway safety, subject to the imposition of planning conditions requiring the implementation of appropriate visibility splays at the site entrance.
13. Several other concerns have been raised by local residents. However, some of them, including the impact of the development on neighbouring living conditions, could be properly addressed at subsequent reserved matters stage. In any event, it is not necessary for me to pursue the concerns raised any further given that I am dismissing the appeal for the reasons given.

Conclusion

14. For the reasons given above, the appeal should be dismissed.

Matthew Woodward

INSPECTOR