



Appeal Decision

Site visit made on 4 February 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/P4605/W/19/3241220

2a Bond Street, Hockley, Birmingham, West Midlands B19 3LB

- 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 Serinda Pall, Constitution Warehouse against the decision of Birmingham City Council.
 - The application Ref: 2019/04725/PA, dated 3 June 2019, was refused by notice dated 2 September 2019.
 - The development proposed is a rear single storey extension and change of use B8 storage to B1(a) office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) heritage assets, in particular a locally listed building and whether it would preserve or enhance the character or appearance of the Jewellery Quarter Conservation Area; (ii) the satisfactory provision of cycle parking; and (iii) the living conditions of the occupiers of Flat 1, 2a Bond Street by way of light, outlook and privacy.

Reasons

Heritage Assets

3. The appeal site comprises a small 2 storey brick outbuilding, and parts of an adjacent paved area and a wall. The outbuilding is open at ground floor level by way of 2 arches. The arches contain attractive decorative brick detailing.
4. The outbuilding is part of a considerably larger building that has been converted to student accommodation and is set out in a courtyard arrangement, accessed via an archway onto Bond Street. It is a locally listed building and was formerly used for industrial and warehouse purposes. It is, therefore, significant in a local historical and vernacular context. The conversion works that have been carried out are sympathetic to the building, in relation to its restoration and appearance.
5. The site is also located in the Jewellery Quarter Conservation Area. It lies in the Viaduct sub area in the associated Character Appraisal and Management Plan Supplementary Planning Guidance (2002) (CAMP SPG). Both the CAMP SPG and the Jewellery Quarter Conservation Area Design Guide Supplementary

Planning Guidance (2005) (CADG SPG) describe its principle characteristics and special interest. The main building types are of a medium and large scale industrial form and the traditional materials are red brick and slate. Brick detailing is also apparent and external window frames are in the main metal or timber. The building ably demonstrates these qualities and so contributes favourably to the significance of the conservation area.

6. The level of detail that has been provided in order to understand the potential impact on the significance of the heritage assets is of a limited nature. The arches, that are a particular feature of the outbuilding, would be filled in and the proposed design of the openings would differ markedly from the rest of the building. They would also lack detailing and be constructed unsympathetically of UPVC. The CADG SPG states that the use of UPVC will not be permitted.
7. Such a differentiation in comparison to the existing built form, even with the limited visibility beyond the courtyard, would be harmful and detract from both the significance of the locally listed building and its contribution to the significance of the conservation area. This weighs significantly against the proposal, in particular with the statutory protection that is afforded to the conservation area.
8. I conclude that the proposal would have an unacceptable effect on heritage assets, in particular on the locally listed building and as it would not preserve or enhance the character or appearance of the conservation area. As such, it would not comply with Policy TP12 of the Birmingham Development Plan (2017) (BDP) which states that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and that new development will be managed in ways which will make a positive contribution to its character, amongst other considerations.
9. It would also not comply with the CADG SPG and the CAMP SPG because the proposal would not give due regard to the need to demonstrate a sympathetic response to the historical context of the site.
10. For the purposes of paragraph 196 of the National Planning Policy Framework (Framework), the proposal would lead to less than substantial harm to the significance of a designated heritage asset, the conservation area. The public benefits associated with the proposed use as regards socio-economic considerations and viability would be modest with the size of the proposal. I am also mindful that great weight should be given to the asset's conservation. The public benefits would not outweigh the less than substantial harm. Similarly, under paragraph 197, in undertaking a balanced judgement that has regard to the scale of the harm to the significance of the non-designated heritage asset, the locally listed building, this would not weigh in favour of the proposal.
11. The creation of the proposed office unit without a frontage and direct entrance from the public realm causes less of a concern. With the layout of such buildings, they may not be accessed in a direct manner. Part of the student accommodation is already accessed from the courtyard. This part of the proposal would not constitute poor design and would accord in this regard with Policy PG3 of the BDP, Section 3 of the Places for All Supplementary Planning Guidance (2001) (Places for All SPG) and the Framework. This character and

appearance matter does not, though, address or overcome the harm to the heritage assets that I have identified.

Cycle Parking

12. The planning permission¹ for the conversion of the building to student accommodation included a condition which concerned the use of the outbuilding as the associated covered cycle parking. At the time of my visit, the outbuilding was in use for general storage. Where cycle parking was taking place, it was in the form of uncovered wall mounted stands that were attached to the boundary wall and an external wall of the student accommodation.
13. The site is in a highly accessible location as regards the services in the city centre and its vicinity. Its whereabouts, therefore, encourage the use of travel modes other than the car, including cycling. Both the Council's Car Parking Guidelines Supplementary Planning Document (2012) (Car Parking Guidelines SPD) and the Places for All SPG seek to encourage greater use of modes of transport other than the car and consider the related parking needs, including the provision of suitable cycle parking facilities.
14. The appellant considers there is sufficient space within the grounds to provide cycle storage and that it is a matter that can be dealt with through the imposition of a planning condition. Whether or not this means the existing wall mounted stands, or an alternative means of provision, is not before me.
15. If there was a reliance on the wall mounted stands, as these are not covered, they would not provide an acceptable alternative as this would not encourage their use. If the proposed cycle parking is to be provided in a different way, there is not the sufficient detail before me to be satisfied that it would be acceptable, as the proposal itself would lead to the loss of the approved cycle parking. Hence, it could not be dealt with by way of a planning condition, without having the potential to nullify a permission if the proposed cycle parking proved to be unacceptable.
16. I conclude that the proposal would have an unacceptable effect on the satisfactory provision of cycle parking. Hence, it would not comply in this regard with Policies PG3, TP33 and TP40 of the BDP where they encourage people to move around by cycling, consider that student accommodation should be served by cycling and ensure that new development encourages appropriately designed facilities which will promote cycling as an attractive, convenient and safe travel mode.
17. Similarly, it would not comply with Appendix 5 of the Car Parking Guidelines SPD and Section 2 of the Places for All SPG in this regard because it would not encourage cycling as a means of transport, in the absence of suitable cycle parking facilities. Nor would it comply with the Framework where it seeks to promote sustainable transport.

Living Conditions

18. The nearest student flat in the accommodation lies adjacent to the outbuilding. On the facing elevation, there are the sole windows of the flat's communal lounge area and an adjacent bedroom (room 3). At present, these windows

¹ Council ref: 2011/08319/PA

face towards part of the courtyard area which contains waste bins and then a high boundary wall. They do not benefit from an attractive outlook.

19. The proposed single storey extension would be positioned approximately where the waste bins are located. It would be at its lowest point on the courtyard side with a lean to roof arrangement up against the boundary wall. Even though it would extend towards the communal lounge and room 3, and there would only be a moderate gap left in between, with its proportions, it would not have an unacceptable effect on the living conditions of the occupiers concerning the light these rooms receive and their aspect.
20. The Council's Statement also raises the issue of privacy due to a window position facing the flat. As the proposal would be for an office, its users would likely be undertaking their employment tasks, rather than taking in their surroundings. It would not raise untoward issues in relation to overlooking.
21. The separation distances would be not insignificantly less than would be envisaged under the Places for Living Supplementary Planning Guidance (2001). This document however accepts that in a city centre context, due to the tighter urban grain, lesser distances can be acceptable. With what are already the close confines of the student accommodation around the courtyard and the high density of development in the area, the proposal would not be unacceptable in this respect.
22. I conclude that the proposal would not be unacceptable concerning the effect on the living conditions of the occupiers of Flat 1, 2a Bond Street by way of light, outlook and privacy. Therefore, it would comply in this regard with Policies PG3 and TP37 of the BDP as far as they are involved with living conditions matters. It would also accord with the Framework where it concerns a high standard of amenity for existing and future users.

Conclusion

23. Whilst I consider the proposal not to be unacceptable in other respects, the effect on heritage assets and cycle parking provision would be unacceptable and is decisive. Accordingly, I conclude that the appeal should be dismissed.

Darren Hendley

INSPECTOR