
Appeal Decision

Site visit made on 25 February 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/P4605/D/19/3243152

35 Margaret Grove, Birmingham B17 9JJ

- 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 Mrs Emma Moyes against the decision of Birmingham City Council.
 - The application Ref 2019/06930/PA, dated 12 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is described as roof window.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already taken place. I am therefore considering this appeal as a retrospective proposal.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Moor Pool Estate Conservation Area (CA).

Reasons

4. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas. Policies PG3 and TP12 of the Birmingham Development Plan 2017 (BDP) require developments to, amongst other things, be of high quality design that has regard to local context and protects and enhances the character of the city's heritage assets.
5. The Moor Pool Estate Conservation Area (CA) covers an Arts and Crafts style 'garden suburb.' The Moor Pool Estate Conservation Area Character Appraisal and Management Plan (2012) describes the character that is derived from the uniform white roughcast render and red brick, segmental arched windows, predominately clay tiled roofs, the good quality of materials used and the overall cottage style which illustrate the influence of the Arts and Crafts movement.
6. The appeal property is a mid-terraced, two storey, red brick house that is of a cottage style reflecting the CA characteristics described above. A rooflight has

been installed in the front roof plane, approximately two thirds of the way up, above the front door. Owing to its design and positioning on the otherwise clean roofscape, I consider that the roof light severely disrupts the symmetry and rhythm of the roofline and the elevation below.

7. Given the above, I find that the development fails to preserve or enhance the character and appearance of the CA. Taking into account Paragraph 196 of the National Planning Policy Framework (the Framework), the harm caused to the CA is less than substantial. Such harm must be weighed against any public benefits identified. Neither of the main parties has identified any public benefits associated with the development and there are none that I can identify. Consequently, there are no benefits that would outweigh the harm I have identified.
8. For the above reasons, I conclude that the development fails to comply with the design and conservation requirements of Policies TP12 and PG3 of the DP and the Framework.

Other Matters

9. The appellant has commented that there are other rooflights in the vicinity of the appeal site and I was able to see during my site visit that they were of varying design and type. I do not have the full details of these developments or the circumstances in which they were permitted, if at all. Nonetheless, I must determine this appeal on its individual merits and the presence of similar developments within the vicinity does not in itself justify further harm.

Conclusion

10. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR