
Appeal Decision

Site visit made on 27 January 2020 by A J Sutton BA Hons DipTP DMS MRTPI

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2020

Appeal Ref: APP/P4605/W/19/3239801

852 King Edwards Wharf, King Edwards Drive, Birmingham, B16 8AB

- 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 and Mrs A Soni against the decision of Birmingham City Council.
 - The application Ref 2019/01968/PA, dated 19 March 2019, was refused by notice dated 27 June 2019.
 - The development is for a proposed seating area extension roof, solar panels and internal alterations for new staircases to proposed roof alteration.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the appearance of the host building and character of the area.

Reasons for Recommendation

4. The appeal property comprises a duplex style apartment on the top floor of a wharf side contemporary apartment block in the centre of Birmingham. The central urban setting is principally residential mid height apartment blocks with a mix of commercial and leisure uses. The area around the appeal site, by virtue of design and layout, is a pleasing blend of modern architectural structures with the historic canal network and related features at the core of the City.
5. The proposal is for the construction of a flat roofed structure comprising box like forms on the existing flat roof of the apartment to create additional living space described as seating areas with an additional WC and staircase for access. The structures would open on to an upper terrace area which would be bounded by a glazed screen approximately 1.5m in height.
6. The National Planning Policy Framework (Framework) emphasises that good design is a key aspect of sustainable development. Planning decisions should

ensure that developments are visually attractive as a result of good architecture and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area taking into account any local design standards or style guides in plans or supplementary planning documents.

7. In my assessment, I have also had regard to the National Design Guide (NDG) which provides support to Paragraph 130 of the Framework. It illustrates how well-designed places can be achieved and sets out priorities in the form of ten characteristics, stating that good design considers how a development proposal can make a contribution towards them all.
8. The King Edwards Wharf apartment block, in which the appeal property is the focal point, is a prominent building, distinguished by its soft curved flat roof form at high level. The block has been designed with focus on this curved feature, with proportions discreetly increasing gradually up the building and drawing the eye to the penthouse like structure at its apex, which comprises the appeal property.
9. The proposed development would add two connected box like forms which whilst not altering the existing form, would jar with the subtle curve and fail to harmonise with the roof shape. Although the proposed structures would be set back and with the form broken by a step down as a result of the existing roof levels, the addition would be particularly noticeable given its elevated position and its proposed shape, and the resulting prominence would dilute the focus on the original roofscape.
10. The harmful effect of the unsympathetically designed addition would be amplified by the proposed boundary treatment. Whilst glazed panel detail may be in keeping with materials of the original block and other surrounding buildings, the proposed proportions would be at odds with existing balconies. The proposal would disrupt the consistent design pattern evident on the building, in relation to this particular feature. As such the proposed development would diminish the existing architectural integrity of the apartment block, thereby harming the appearance of the building.
11. There are a mix of built forms and modern architectural styles in the surrounding area. Most of the apartment blocks have flat roofs and although there is no standard roof form in the area, the modern structures on the whole are characterised by angular shapes and therefore differ in this respect from the appeal property.
12. The only notable exception being the block to the east, on the opposite side of the wharf from the appeal property. This block has a sharp profile which is best observed from St Vincent Street bridge. Whilst the curved form on this building is apparent, it forms a triangular shape at its apex, which complements the facing block.
13. There are a number of roof terrace developments which add interest to the built form in the area, particularly where they are softened by planting schemes. However, the rectangular shaped examples observed in the vicinity of the Watermarque block, adjacent to King Edwards Wharf, and other developments in the area, reflect the original roof shape of the lower floors of the respective buildings, which are of a similar box shape form and therefore are different in character to the appeal property.

14. Whilst the development would not be readily observed from the footpath immediately aside the block or to the rear, the appeal property is a prominent feature when viewed from parts of the Birmingham Canal Old Line, the opposite towpath, the Roundhouse (a Grade II listed building) and the bridge at Sheepcote Street. As such the development would be highly visible from these important public spaces.
15. Mindful of the duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have nothing before me to suggest that the proposal would affect the listed building or its setting, given the nature of the proposed development and its relative distance from the listed building and its immediate setting. However, the fine balance between historic features and well designed modern development is a key component of the distinct character of the area, which would be eroded by the proposed development as a result of the inharmonious design and the prominence of the appeal property.
16. The proposal would not provide any particular innovative feature beyond the installation of solar panels. This in combination with the proposed use of matching materials, ease of maintenance and the benefit of utilising and existing roof area for increased living space would not sufficiently outweigh the harm identified above.
17. In summary, the proposal would neither harmonise with, nor enhance the host building. The highly visible proposed form would therefore be detrimental to the appearance of the block and harmful to the character of the area.
18. I conclude that the proposal would not reflect the existing appearance of the host building and would harm the character of the area. It would therefore be contrary to Policy PG3 of the Birmingham Development Plan 2017, Paragraph 3.14D of the Birmingham Unitary Development Plan 2005 (UDP) and the Framework which collectively require development to be of a high quality design which reinforce a positive sense of place and local distinctiveness, with designs which respond to site conditions and the local area context.
19. Paragraph 3.14C of the UDP requires when considering proposals to have regard to relevant supplementary planning guidance. The proposal would also be contrary to guidance set out in Places for All 2001 and Places for Living 2001 which requires developers to consider local context and strengthen that which makes an area special.
20. The appellant has drawn my attention to the supplementary planning document Extending Your Home 2007 (SPD) to which I have had regard to in reaching this recommendation. For the reasons outlined above I consider this proposal would not comprise good design due to its form and detailing and is therefore contrary to Principle 1 of the SPD which states that development should respect the appearance of the local area and your home.

Conclusion and Recommendation

21. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and concur that the appeal should be dismissed.

P J Davies

INSPECTOR