

Appeal Decision

Site visit made on 23 March 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 April 2020

Appeal Ref: APP/P4605/D/20/3244549
50 Anderton Road, Birmingham B11 1NA

- 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 Susan Smith against the decision of Birmingham City Council.
 - The application Ref; 2019/08061/PA, dated 27 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is erection of a single storey double garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey double garage at 50 Anderton Road, Birmingham B11 1NA in accordance with the terms of the application, Ref 2019/08061/PA, dated 27 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: 2019/17/SK01 and 2019/17/SK02.

Procedural Matters

2. The application was submitted retrospectively to retain the double garage. It is clear that the Council determined the application as such. I saw at the time of my visit to the site that a building closely resembling that shown on the submitted plans was in place and I too have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the single storey double garage on the character and appearance of the surrounding area.

Reasons

4. The appeal property is an end of terrace corner plot at the junction of Anderton and Cartland Roads which, together with Medicott Road, form a crossroads at the intersection of predominantly traditional terraced streets. The corner property on the opposite side of Cartland Road to the appeal site, and the two properties on Medicott Road, all have long rear two storey and large single storey outriggers resulting in built up flank elevations extending rearwards along both streets.
5. The appeal site differs, however. No. 50 has only a modest single storey lean-to element at the rear. As a consequence, it's flank elevation is shorter and much less substantial than those of comparable properties around this junction,

and indeed other similar junctions along Anderton Road. The detached garage the subject of this appeal is located at the rear of No. 50's rear yard. Although its flank elevation is not dissimilar in height to the intervening length of yard wall between the garage and the rear of the main building, the gable elevations are of greater height and are visible within the streetscene above the yard walls.

6. However, whilst conspicuous in views towards the site, particularly from further down Cartland Road where the position of Janat House, set back behind a parking forecourt and landscaped area, exposes the garage's gable, I do not consider the garage to be incongruous, harmful, dominant or otherwise out of character. The garage's flank wall is little different in height to the existing yard wall whilst its pitched roof, sloping away from the roadside, would be a recessive feature. The garage is also clearly detached from the main building with a reasonable gap retained between the two. Furthermore, rear outbuildings are not uncommon along that part of Anderton Road visible from Cartland Road and, whilst larger than those that are visible, it is not unacceptably so.
7. The open aspect to the front of Janat House does open up views of the garage, and particularly its gable elevation, from Cartland Road. However, the garage's physical and visual presence would be substantially less than that of the outrigger and attached outbuildings on the opposite side of Cartland Road and its very presence at the rear of No. 50 would not be out of keeping with the prevailing built form around this junction. More significantly, there are trees within the Janat House frontage that soften and mitigate the garage's visual presence.
8. Rather than the garage being out of character with the design and appearance of the main building, it is instead a typical, and typically found, structure at the rear of a terraced property. It is clearly much smaller than the main building and, detached from it is subservient in terms of its scale and its physical relationship. Although a detached building departs slightly from the prevailing form of lengthy rear outriggers around this junction, the presence of built structure and flank elevations of buildings is not uncommon. Because of this, the garage is not incongruous or out of character with either the host building, or the surrounding area, and would not spoil the appearance of the property or the wider streetscene.
9. Policy PG3 of the Birmingham Development Plan (BDP) and saved policy 3.14(C and D) of the Birmingham Unitary Development Plan (BUDP) expect all new developments to demonstrate high quality design which contributes to a strong sense of place. Thus, creation or retention of a positive sense of place, local distinctiveness and character and design that responds to local context are central to the provisions of these policies. Supporting these, the Council's '*Extending your home: home extensions design guide*' Supplementary Planning Document (SPD) provides advice and guidance on respecting the appearance of the local area and avoiding serious and adverse impacts on neighbours.
10. For the reasons I have set, I am satisfied that the garage avoids harm to the character or appearance of the surrounding area. Nor does it harm the appearance of the existing property and it is of a form, scale and design which does not appear out of place, scale or character with the corner properties around the junction of Anderton, Medicott and Cartland Roads. For these

reasons, I conclude that there is no conflict with BDP policy PG3, BUDP policy 3.14(C and D) or with the aims, principles and guidance set out in the SPD. Nor is the garage be contrary to the National Planning Policy Framework's aims in these respects.

Other Matters

11. The Council accept that the garage would not cause harm to the living conditions of occupiers of neighbouring properties in terms of daylight, sunlight, privacy or outlook. Although I have noted and considered the concerns of local residents with regard to these matters, having viewed the garage and its relationship with surrounding properties, I am satisfied that it does not result in unacceptable harm to the living conditions of occupiers of neighbouring properties in these terms.
12. Local residents also objected to the proposal on the basis that the building was built without first gaining planning permission or approval under the building regulations and that it could fall down at any time and therefore presents a potential danger. I have determined this appeal on its merits and the evidence before me and my conclusions are set out above. The matter of building regulations is for the Council and appellant to resolve and is not a matter before me, whilst the structural condition of the building is not a material consideration to which I can give any significant weight. These other matters are not therefore sufficient, individually or cumulative, to alter my conclusions on the main issue as set out above.

Conditions

13. The Council have not suggested any conditions should the appeal succeed. However, as the application has been submitted retrospectively other than a condition specifying the plans against which the proposal has been considered, which is necessary in order to provide certainty, it is not necessary for me to impose any further conditions.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR