



Appeal Decision

Site visit made on 18 May 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/P4605/W/20/3245228

354 Jockey Road, Sutton Coldfield B73 5XJ

- 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 Philip Keegan against the decision of Birmingham City Council.
 - The application Ref: 2019/06888/PA, dated 14 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is described on the application form as the erection of a two storey, two bed, detached house with off-road parking and an ample sized garden.
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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 effect of the proposed development upon the character and appearance of the street scene.

Reasons for the Recommendation

4. No.354 is a semi-detached property and the site is located between No.354 and No.354A, which is also a semi-detached property. There is a single storey detached garage on site which is within the same ownership as No.354. The dwellings on the northern side of Jockey Road within the surrounding area are typically matching pairs of semi-detached houses with hipped roofs, centrally located chimney stacks and symmetrically aligned doorways and fenestration.
5. In the main the properties are faced in render, with the exception of No.354A and its matching pair which are faced in brick and of a slightly different design, with two storey bay windows and a slightly taller roofline. The distance between Nos.354A & B and the neighbouring dwellings are also slightly greater than the other dwellings in the street and those spaces have been utilised for garage space in the form of the structure at the appeal site and a smaller garage to the side of No.354B. Nonetheless, those garages remain subservient in scale to the respective dwellings and their presence does not detract from the strong symmetry and rhythm of the properties on the northern side of Jockey Road which is a notable and attractive feature of the local area.

6. There is more variety in design on the southern side of Jockey Road where the dwellings are generally terraced, with less commonality in design.
7. The Council's Mature Suburbs Guidelines to Control Residential Intensification Supplementary Planning Document (SPD) (2008) notes that building plots should be of an appropriate size (width, depth and shape) to reflect the typical form of plots in the area and the urban grain and that the spaces between buildings can be as important as the buildings themselves in influencing the character of an area.
8. As noted above, the gap between No.354 and No.354A is larger than is common on the northern side of the road and this is due to the change in design between the dwellings. Whilst a single storey garage has been constructed on the site because the first floor has not been developed, the visual appearance of the large gap between the properties has been retained. No.354A and No.354B have a different design to the dwellings either side of them and there is a larger gap either side of these two dwellings. The shared appearance of these two dwellings, including the similarly sized gaps either side of them, helps to maintain the consistent pattern of development within the street scene. Because the proposed dwelling would be two storeys in height and would infill the gap between the two properties, the proposal would cause harm to the character and appearance of the street scene.
9. Whilst it is acknowledged that there is some variation in the design and appearance of the dwellings along Jockey Road. On the northern side of the road and within the immediate street scene, the dwellings are generally wide semi-detached properties with relatively generous gaps between them. The proposed dwelling would be a narrow-detached property built close to the side walls of the properties either side of it and would appear shoehorned into the available space. Whilst some attempt has been made to replicate the design of surrounding properties, including the hipped roof, the proportions of the dwelling would appear compressed and cramped in comparison to the generally wider and more spacious appearance of neighbouring semi-detached dwellings. Consequently, because the proposal would not reflect the pattern of development or plot orientation within the area and it would be harmful to the character and appearance of the street scene.
10. Therefore, the proposed dwelling, due to its cramped appearance would appear incongruous within the existing pattern of development which would result in harm to the character and appearance of the street scene. Consequently, the proposal would be contrary to policies PG3 and TP27 of the BDP which require developments to respond to site conditions and the local area context and create a strong sense of place with high design quality. The proposal would also be contrary to saved paragraph 3.14D of the Birmingham Unitary Development Plan (2005) which requires the scale and design of new buildings to generally respect the area surrounding them. The proposal would also conflict with the SPD and the Places for Living Supplementary Planning Guidance (SPG) (2001) which requires development to consider local context in design as well and the Framework which at paragraph 127 notes that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Other Matters

11. Both parties have referred to a similar development that has been constructed adjacent to No.328 Jockey Road which was granted planning permission in 2007. An appeal¹ was dismissed on a nearby site and the Inspector in that case provided an assessment of the approved 2007 dwelling and found that it "*did not constitute an example of acceptable development that should be repeated*". Whilst I acknowledge the changes made to the design of the dwelling, which were made in light of the above appeal decision. I do not consider the changes would be sufficient to overcome my concerns regarding the cramped nature of the proposal. Since the 2007 application was permitted the Birmingham Development Plan (BDP) (2017) and the SPD have been adopted the National Planning Policy Framework (Framework) has been published and thus the planning policy position has changed which is material consideration in the determination of the appeal. Whilst I acknowledge that the Council may have been aware of the contents of the SPD whilst it was being produced, the SPD had not been adopted when the 2007 application was determined and consequently, was not formally part of the development plan.
12. Reference has been made to paragraph 70 of the Framework which states that development plans should consider policies to resist the inappropriate development of residential gardens. The garage is clearly within the curtilage of the dwelling but whether the site counts as 'garden' of itself is a moot point – the specific part of the site is already developed in that respect. In any event, the Council has not referred to a specific policy that seeks to protect garden land per se and the location is one where the principle of development would be considered suitable for new housing, subject to other considerations. The proposal would provide a single dwelling within a sustainable location, close to shops and services with good transport links. I attach weight to those matters, albeit limited due to the scale of the development which would only make a small contribution to the local housing supply.

Conclusion and Recommendation

13. For the reasons set out above, the proposal would appear as a cramped form of development that would cause harm to the character and appearance of the street scene, contrary to relevant policies of the development plan. I give substantial weight to that harm. Therefore, the material considerations in favour of the proposal would not outweigh the harm and conflict with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR

¹ Ref: APP/P4605/A/13/2204725