The Planning Inspectorate

Appeal Decision

Site visit made on 19 May 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/P4605/W/20/3245843
39 Salisbury Grove, Sutton Coldfield, Birmingham B72 1YE

- 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 A Khanna against the decision of Birmingham City Council.
- The application Ref 2019/03983/PA, dated 7 May 2019, was refused by notice dated 13 January 2020.
- The development proposed is demolition of detached garage to front and erection of first floor side and two storey rear extensions to create additional dwelling with associated access and parking.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the header above is taken from the Council's decision notice. This more accurately describes the proposal, and I have proceeded accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is located on Salisbury Grove, which is characterised by relatively large detached dwellings set within generous plot sizes. This reflects its location on a main spine road with more expansive layout. The plot sizes along Beverley Close nearby are smaller by comparison and reflective of a different street type and context, comprising a cul-de-sac with more intimate layout. Consequently, because of the differences in context, the smaller plot sizes on Beverley Close do not help justify the appeal proposal.

5. The site comprises a four bedroom dwelling on an appropriately sized plot that is typical of Salisbury Grove. The development would create two much smaller three bedroom dwellings and result in two significantly smaller plots, generating a cramped layout. Mature Suburbs Supplementary Planning Document 2008 (SPD) states that plots should be of appropriate size, including width, depth and shape, to reflect the typical form of plots in the area and the urban grain. Consequently, the proposal would be in conflict with the SPD.

6. There is an extant planning permission, Ref 2018/10275/PA, allowing 39 Salisbury Grove to be extended in a similar way to what is proposed under this appeal. However, compared to the extant planning permission, the proposal is for a different form of development (comprising subdivision) and consequently is of a different character. It has been assessed accordingly under this appeal.

7. Overall, the proposal would conflict with the prevailing pattern of development along Salisbury Grove, harming the character and appearance of the area. It would not accord with Policies PG3 and TP27 of the Birmingham Development Plan 2017 or saved Paragraph 3.14C of the Birmingham Unitary Development Plan 2005 and associated SPG or SPD, which among other things all seek to protect the design qualities of existing residential areas.

Other Matters

8. Both the Council and appellant have submitted evidence relating to the demand for particular bedroom configurations of housing. Notwithstanding these submissions, the creation of an additional single dwelling is unlikely to make more than a limited contribution and cannot be reasonably taken as a tangible benefit.

9. Protecting trees that already exist is not a benefit to be weighed against the harm that has been found. Additional tree planting is a benefit, but this would not mitigate the reduction in plot size or cramped layout.

10. Although the appellant has raised concerns about the way the Council dealt with the application, I have assessed the application on its merits and found it to be unacceptable.

11. The absence of objection, such as from the Council's City Design Team, does not in itself mean the proposal is acceptable. The appeal is determined based on the development plan, material considerations and the evidence presented.

12. Although the site may be close to shops and services, this does not outweigh the harm that would be caused to the character and appearance of the area.

13. None of the other matters raised above are determinative in the appeal and have not altered or outweighed the conclusions on the main issue.

Conclusion

14. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR