



Appeal Decision

Site visit made on 14 July 2020

by Simon Hand MA

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

Decision date: 17 July 2020

Appeal Ref: APP/P4605/F/19/3237415

Land at 133 Handsworth Wood Road & 2 Somerset Road, Birmingham, B20 2PJ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ravi Kumar against a listed building enforcement notice issued by Birmingham City Council.
 - The enforcement notice, numbered 2018/0324/ENF, was issued on 19 August 2019.
 - The contravention of listed building control alleged in the notice is without listed building consent, the erection of a single storey extension to the coach house in the approximate position shown marked in blue on the plan attached to this notice.
 - The requirements of the notice are (i) demolish the single storey extension to the coach house ensuring all materials arising from its demolition are removed from the premises and; (ii) remove all bricks and cement from the face of the original coach house, boundary wall and piers, carefully so as not to damage the historic fabric. Where any modern fabric has been tied into the listed structure, this shall be carefully removed and matching materials (bricks and mortar) used to repair the façade; and (iii) repair and reinstate the original walling to Taverner's Green, reinstating the original brickwork and stone coping, as illustrated in photograph reference A; and (iv) repair and reinstate the original walling to Somerset Road, reinstating the original brickwork and terracotta coping, as illustrated in photograph reference A; and (v) reinstate the vertical plank timber gates in the original position, as illustrated in photograph reference B; and (vi) reinstate the gate piers in the original position with matching symmetrically set out brick bonding, stone bracket and cushion stones and matching pier caps, as illustrated in photograph reference C.
 - The period for compliance with the requirements is 4 months.
 - The appeal is made on the grounds set out in section 39(1) (d) and (f) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

The Appeal on Ground (f)

2. This ground (f) is that the notice has not been correctly served, but the reasons given are that the main listed building is untouched and only the coach house has been altered. I can only assume this is meant to be an argument that there have been no works to the listed building itself and so the notice should not have been served. However, the listing covers all buildings and structures

within the curtilage of the main building, which in this case includes the coach house, walls, gates and piers. The appeal on ground (f) therefore fails.

The Appeal on Ground (d)

3. This ground is that the works were urgently required. The appellant argues that nearby trees had undermined the structure of the coach house and the walls and these needed work to prevent them from collapsing. The gates had also become rotten over time and needing replacing for security purposes.
4. To succeed on this ground the works would need to have been genuinely urgent, so, for example, there was no time available to discuss the matters with the Council before hand and they were the minimum needed to render the building safe.
5. The property, No 133 is a large Arts and Crafts style villa set within a rectangle formed on 3 sides by Handsworth Wood Road, to which it fronts, Somerset Road and Taverners Green. A large wall runs around the back garden, along Somerset Road and Taverners Green. The Coach house, another small building set within the garden, and the garden wall formed a small courtyard on the Taverners Green/Somerset Road corner. This courtyard has been filled in by a large flat roofed garage with a metal roller shutter door facing onto Somerset Road. The garage links the smaller outbuilding to the coach house and forms what appears to be a single large building, although internally there is no link into the smaller building. However, the garage and coach house have been knocked through to form a large space. Although the garage was used for parking a car, and has a concrete floor, it is also wallpapered and as I saw on my site visit garlanded with Christmas-style decorations.
6. This is a substantial structure that completely changes the look of the corner of the garden and destroys the historic relationship of the coach house, the garden wall and the outbuilding. Parts of the garden wall remain visible and have been extended upwards with a different style of modern brick to form the side wall of the garage. Even if the building wasn't listed the garage would be an ugly and incongruous structure, but it is also deeply harmful to the significance of this part of the garden of the listed building.
7. There is no evidence of the actual damage that the trees are alleged to have caused, but even if there were, the large and ugly garage is clearly not the minimum works required to make the coach house and the garden wall safe. The appeal on ground (d) fails.

Other Matters

8. A number of the appellants comments could be construed as arguing that listed building consent should be granted for the works. This ground has not been put forward and the Council have not commented on it. However, it is clear from my comments above that had this ground been pleaded, it would not have succeeded.

Simon Hand

Inspector